



Essex County Council
Planning

MINERALS LOCAL PLAN

ADOPTED FIRST REVIEW

This Plan was approved by Essex County
Council on 19 November 1996, and became
adopted on 3 January 1997

NOVEMBER 1996

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Contents	Page
1. Foreword	1
2. Introduction	2
3. Essex Geology	5
3.1 General Geology	5
3.4 Sand and Gravel	5
3.7 Other Minerals	6
3.10 Sources of geological information	6
4. National, Regional and County Background	8
4.1 National	8
4.3 Objectives	8
4.4 Landbanks	9
4.7 Landbank and Production	10
4.12 Provisions in Local Plan	11
4.14 Appropriate Area for landbank	12
4.16 Regional	13
4.18 Structure Plan Policy	15
5. Future Sand and Gravel Production	16
5.1 Regional Background	16
5.4 History of Sand and Gravel Extraction in Essex	17
5.5 Resources in the Review	18
5.13 Landbanks	20
5.18 Need	21
6. Future Areas of Working (Sand and Gravel)	25
6.8 Selection of Preferred Sites	27
6.10 Site Selection	27
6.11 Transportation	27
6.17 Agriculture	30
6.18 Landscape and Nature Conservation	30
6.20 Proximity to settlements/dwellings or occupied buildings	31
6.21 Processing Plant	31
6.22 Geographical location of workings	31
6.23 New sites/extensions	32

Contents	Page
6.25 The Preferred Sites	32
6.34 Non-Preferred Sites	36
Schedule 1 Preferred Sites for Future Sand and Gravel Extraction	37
7. Alternative Sources of Aggregates	46
7.3 National and Regional Policy	46
7.9 Secondary and Recycled Materials	48
7.14 Siting of Recycling Plants	49
7.16 Crushed Rock Imports	51
7.19 Rail Depots	52
7.22 Site Consideration	53
7.25 Marine Wharves	54
7.39 Grant Assistance	59
7.42 Marine Dredged Aggregates	61
7.44 The source of the aggregates	62
7.48 The Landing of Marine Dredged Materials	64
Schedule 2 Existing and Potential Rail and Marine Depots	66
Schedule 2a Operational Ports	75
8. Other Minerals	78
8.2 Brickearth	78
8.5 Mineral Consultation Area: Brickearth	78
8.8 Clay	79
8.11 Chalk	80
8.14 Silica Sand	80
Schedule 3 Sites with Permission for working (Brickearth, Chalk, Clay)	81
9. Development Control	90
9.1 Introduction	90
9.4 Access	90
9.10 Agriculture	91
9.12 Working and Reclamation	93
9.15 Landscape and Nature Conservation	94
9.16 Mineral Workings and Dwellings	94
9.17 Processing Plant and Buildings	95
9.18 Archaeology	96
9.19 Programming	96

Contents	Page
9.20 Rights of Way	97
9.21 Environmental Assessment	97
9.26 Recycling Sites	98
9.27 Development Control Guidelines	98
10. Provision for Implementation, Monitoring and Review	99

Appendices

Appendix 1 Structure Plan extract and Policies relevant to Mineral working.	100
Appendix 2 Schedule of Policies	114
Appendix 3 The Essex Guide to Environmental Assessment (1992)	119

Maps

1. Proposals Map Key Plan	36
2. Proposals Map Key Plan Inset	36
3. Schedule 1 Proposals Maps: Preferred Sites for Future Sand and Gravel Extraction, Scales 1:10,000	37
4. Schedule 2 Proposals Maps: Existing and Potential Rail and Marine Depots Scale 1:10,000	66
5. Schedule 2a Operational Ports Scale 1:10,000 and 1:20,000	75
6. Brickearth Consultation Area Scale 1:50,000	78
7. Schedule 3 Sites with Planning Permission for Working (Brickearth, Chalk, Clay) Scale 1:10,000	81

1. FOREWORD

- 1.1** This Local Plan (hereafter referred to as the Review or the Plan) is the first review of the Minerals Subject Plan (hereinafter referred to as the MSP adopted in December 1991). This Review was approved in November 1996 and adopted in January 1997. The Plan has been produced by Essex County Council as Mineral Planning Authority (MPA). Few modifications of substance were made to the Deposit version of the Review by the Inspector who substantially approved of the form, content, policies and proposals of the Plan. The Review closely follows the form of the MSP and when that Plan was tested at appeals it overwhelmingly won support from Inspectors and the Secretary of State. The Review has a plan period of 1995 - 2004.
- 1.2** The continued supply of construction materials is required by the community generally for projects such as housing, schools and roads. Creating employment requires commercial and industrial buildings. The planning system exists to ensure that all types of resources are brought forward whilst protecting the environment and minimising disturbance.
- 1.3** The Review looks at the background and policy framework for mineral extraction in Essex. It explains what provision must be made for future extraction and proposes policies to guide that process. Schedule 1 and the maps show the sites which are Preferred for future sand and gravel extraction. Nothing in the Plan, however, overrides the need to obtain planning permission for any site under the provisions of Part III of the Town and Country Planning Act 1990, nor does it prejudice the Mineral Planning Authority's consideration of any application for permission.
- 1.4** This document is the adopted Review. Comments on a Consultation Draft (October 1994) were invited from the public, other Local Authorities, Government Departments, Statutory Consultees, Amenity Societies etc. These have been considered before the publication of a Deposit Draft (March 1995) which was subject to a further round of consultation. Any objections which could not be resolved were heard at a Local Plan Inquiry in November 1995 held by an Inspector from the Department of the Environment. His report was then considered by the MPA who made modifications to the Review before adoption.

2. INTRODUCTION

- 2.1 The Review is prepared against the background of the County Structure Plan and should be read in conjunction with the text and policies of that document.
- 2.2 The Plan relates to the minerals extracted in Essex which are:-
- i) sand, gravel and related aggregates which provide a basic raw material for the construction industry, used for making concrete and mortars, and for fill material in the construction of roads, buildings and other structures;
 - ii) brickearth, used for general brick making and specialist bricks;
 - iii) chalk - used in cement manufacture, as a fill material and used in agriculture;
 - iv) clay - used for fill material and specialised products;
 - v) silica sand - used for a variety of end uses, including for water filtration purposes.

Of these minerals, sand and gravel is known as an aggregate to which certain Government Policies apply. The other minerals are non-aggregate.

- 2.3 The First Alteration to the Structure Plan was approved by the Secretary of State in July 1991. The Second Alteration was approved in January 1995. This contains policy NR19A which is similar to Policy 1 of the Review, but which has been modified from the original Policy 1 of the MSP to reflect the Government Policy to maintain a seven year landbank of permitted sand and gravel reserves (previously ten years). Appendix 1 provides the current Structure Plan policies.
- 2.4 Government policy is now principally contained in "Minerals Planning Guidance: Guidelines for Aggregates Provision in England" published in April 1994 [hereinafter referred to as "MPG6"]. This Guidance and that provided by the London and South East Regional Planning Conference (SERPLAN) provide the national and regional framework for the Review.

- 2.5 The MSP was a 10 year plan extending to 1997 with provision for a 10 year landbank for sand and gravel at the end of that period. This Review rolls that 10 year plan period forward and is based on the landbank of permitted reserves of sand and gravel at the beginning of 1995. The Review has a plan period extending to the end of 2004 and includes proposals for mineral extraction beyond then. However, MPG6 makes it clear (paragraph 64) that Plans do not need to make full provision at the outset for a landbank at the end of the Plan period.
- 2.6 For reasons that are explained below, it is not the intention of the Mineral Planning Authority within the Review to identify any new Preferred Sites beyond those still available from the MSP. Aggregate supplies from these sites will make a contribution to supply during the Plan period, even though site working may continue after 2004. Supplies are obtained both from local land won resources and from imports into the County. The Plan identifies those areas of land which are thought to contain workable deposits of sand and gravel, and to be subject to the least environmental constraints, sufficient to meet demand as prescribed by Government policy.
- 2.7 The MSP did not include brickearth, chalk or clay but the Review now includes those minerals. In each case reserves with planning permission are considered sufficient to meet demand in the future. The Plan will be reviewed every four years when the situation can be monitored and further provision made if necessary. A mineral consultation area has already been declared in the Southend/Rochford area to ensure that brickearth deposits are not sterilised.
- 2.8 The Government have made it clear in an amendment to the Town and Country Planning Act 1990 (The 1990 Act), by new Section 54A, that development control decisions are required (PPG12, paragraph 1.3): *“to accord with the development plan unless material considerations indicate otherwise. The development plan therefore provides the main component in the plan-led planning system that the Secretary of State is promoting”*.

- 2.9** It is therefore important that this development plan is prepared with the participation of all parties: the community, the minerals industry and other interested bodies. It has been tested at a Local Plan Inquiry. The Review, like the original MSP, will give a very firm guide to mineral extraction in Essex for the future.
- 2.10** The Review is in accordance with National and Regional Policy, principally MPG6, and it is a site specific plan. The Review therefore incorporates the principles of sustainability expressed in that policy framework. Environmental Assessment of Development Plan policies is more applicable at Structure Plan level as set out in PPG12 and the Regulations. The strategy of reducing the contribution of local land-won sources of aggregate is in accordance with Government and Regional Policy and has environmental benefits which are self-evident. Paragraph 6.33 makes it clear that detailed planning applications must be fully considered before preferred sites could be permitted, and consideration will be given to whether a full Environmental Assessment is required and should be provided by the Applicant.

3. ESSEX GEOLOGY

General Geology

- 3.1 Essex has extensive areas containing sand and gravel deposits and has for many years had the highest production levels in the South East Region.
- 3.2 The geology of Essex can be divided into two main parts, solid and drift. Solid deposits are fairly uniform consolidated deposits which are laid down over long periods under marine conditions, as a result of the erosion of the land, and eventually uplifted. The near surface, and surface solid geology largely consists of chalk, Lower London Tertiaries and London Clay which underlies most of Essex as a monoclinial structure.
- 3.3 Drift deposits are usually less than 2 million years old. Those in Essex were formed mainly as a result of fluvial and fluvio-glacial time. They occur sporadically over most of the County, mainly as terrace deposits in river valleys and as 'plateau gravels' often under spreads of Boulder clay.

Sand and Gravel

- 3.4 The main solid deposits which are exploited for sand and gravel are a series of mainly clays and sands which include the Thanet Beds, Woolwich and Reading Beds, Oldhaven Beds and the Lower London Tertiaries. These beds are exploited for granular material for use in various engineering projects as a general fill material and for the manufacture of building blocks.
- 3.5 The major deposits of sand and gravel are part of the Kesgrave Group, river terrace sands and gravels, that are spread widely across north and central Essex. These deposits are in part largely buried beneath mainly fluvio-glacial deposits. The south of the County has few remaining workable deposits.

- 3.6** Other sand and gravel deposits found in Essex are generally associated with river terrace and valley deposits of the Lower Thames Valley (in south Essex) and the former Medway and Thames/Medway (in east Essex).

Other Minerals

- 3.7** Brickearth, chalk and clay are also present in Essex and have been worked extensively in the past. London Clay is an extensive geological deposit throughout the Region and has been worked in Essex for cement production. Lightweight aggregate has been produced by industrial processing of clay.
- 3.8** Brickearth deposits are mainly in the south-east of the County, although the brick making industry has declined in recent years.
- 3.9** Chalk was quarried extensively from what is now Thurrock Borough mainly for use in cement manufacture. The chalk deposits in the north of the County is still quarried for agricultural application.

Sources of geological information

- 3.10** The main published sources of geological data which are available to the County Council are the reports prepared by Industrial Mineral Assessment Unit of the Institute of Geological Sciences, which has published a series of reports on the sand and gravel resources of Essex. These reports cover a large part but not all of the County. In 1985 the British Geological Survey published a report entitled, 'Regional Study of the Sand and Gravel Resources of Essex and South Suffolk'. This report covered only Central and North East Essex. It provides a more detailed analysis of the sand and gravel resources using Industrial Mineral Assessment Unit information as well as other information gained from the industry and public works.
- 3.11** Over the remainder of the County not covered by these reports there are 1:50,000 scale geological maps also published by the Institute of Geological Sciences.

3.12 Because these sources of information are 'broad brush' no great reliance can be placed upon them for selecting Preferred Sites for future sand and gravel extraction. This is why the MPA adopted the approach of asking for detailed geological surveys made by the industry and others on the suggested Preferred sites. As a result, the geology, yield and quality of material of those sites can be fairly accurately estimated.

4. NATIONAL, REGIONAL AND COUNTY BACKGROUND

National

- 4.1 In producing the MSP and the Review due regard has been paid to National and Regional policy prescribed by Government. Essex is part of the South East Region. This chapter provides the policy framework for sand and gravel. Regional Planning Guidance (RPG9) sets out a general framework for minerals in the Region, taking into account other more specialised guidance.
- 4.2 The first Planning Guidance for Aggregates Provision in England and Wales were published in DOE Circular 21/82. These Guidelines were replaced by the Department of the Environment in 1989 with the Minerals Planning Guidance Note 6. A revised MPG6 "Guidelines for Aggregate Provision in England" was published in April 1994 and forms the basis for the Review. The purpose of MPG6 is to advise Authorities and the Industry on what needs to be done to ensure that the construction industry continues to receive an adequate and steady supply of minerals at the best balance of social, environmental and economic cost. In producing the Review there has been some delay due to awaiting publication of the revised MPG6.

Objectives

- 4.3 Paragraph 35 of MPG1 (June 1996) "General Considerations and the Development Plan System" sets out the revised objectives of sustainable development for minerals planning:
- i. to conserve minerals as far as possible, whilst ensuring an adequate supply to meet needs;*
 - ii. to ensure that the environmental impacts caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum;*

- iii. *to minimise production of waste and to encourage efficient use of materials, including appropriate use of high quality materials, and recycling of wastes;*
- iv. *to encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;*
- v. *to protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest, (see paragraphs 47-49 below); and*
- vi. *to prevent the unnecessary sterilisation of mineral resources.*

Landbanks

4.4 Paragraph 63 of MPG6 states:

"MPAs should therefore include policies in their development plans which provide for the maintenance of a landbank. Landbanks should be maintained for all aggregate minerals. In the case of sand and gravel MPAs should aim to maintain a landbank for an appropriate local area, sufficient for at least 7 years extraction, unless exceptional circumstances prevail. A longer period may be appropriate for crushed rock. Paragraphs 81 and 82 provide advice on the calculation of landbanks. It is recognised that landbanks can only be maintained in practice if the industry come forward with planning applications in the right place at the right time."

- 4.5** The purpose of landbanks is to ensure that there are sufficient reserves of aggregate with planning permission from which the minerals industry can supply the market. The period of the landbank, now a minimum of seven years, is such that the market can be supplied for seven years hence without any further permissions being granted. Although lead times for the establishment of new sites may be relatively long, new sites can be commissioned well within seven years such that the reserves which are worked can be replenished with a rolling programme of new permissions, in accordance with the Plan.

4.6 The landbank has now been confirmed in paragraph 82 of MPG6 as:

“The actual landbank at any point in time is the sum of all permitted reserves with valid planning permission at that time, with the following provisos:

- i. it includes the estimated quantities of reserves with valid planning permission at dormant or currently non-working sites;*
- ii. it includes all reserves with valid planning permission irrespective of the size of the reserves and production capacity of particular sites;*
- iii. it does not include estimated quantities of material allocated in development plans but not having the benefit of valid planning permission; and*
- iv. it does not include any estimate for the contribution that could be made by marine dredged, imported or secondary materials. This is because the contribution these materials make will be assessed and taken into account in the consideration of the regional supply pattern and should not be confused with the calculation of landbank which is concerned solely with local land won primary aggregates.”*

Landbank and Production

4.7 Following the Secretary of State’s dismissal of an appeal by an Essex company against the refusal of permission by this Authority, the High Court remitted the case back to the Secretary of State indicating concern about the relationship between the landbank and the ability to adequately supply the market (Mid-Essex Gravel Pits v Secretary of State for the Environment and Essex County Council 1992).

4.8 The new MPG6 clarifies the position in paragraph 83. It is assumed that the permitted (or “actual”) landbank can adequately supply the market at the agreed annual level for the County (which in Essex and the South East is the “apportionment figure” - see below), unless there are clear and specified factors which require deductions to be made to that landbank. The remaining “real” landbank is available to the minerals industry to supply the market using their normal commercial skills.

4.9 The deductions which may be made from the “actual” landbank to calculate the “real” landbank would include (quoted from paragraph 83 of MPG6);

- a. restrictions imposed in planning conditions, such as output limits or the number of lorries leaving the site;*
- b. where physical characteristics limit the amount of material which can be extracted, and*
- c. whether production of material is limited by major infrastructure constraints.”*

4.10 Paragraph 84 goes on to say:

“Market conditions or minor elements of plant infrastructure should not be regarded as having a bearing on supply, though if permission is dominated by one outlet this would be a factor to be considered.”

4.11 The “actual” landbank at the beginning of 1995 was sufficient for over 11 years production at the apportionment level of 6.2 million tonnes (mt) per annum (pa), which is detailed below. Consideration of these restricting factors of paragraphs 83 and 84 by analysis of planning permissions on all permitted sites in the County has not revealed that any significant deductions need to be made to the Essex landbank. The “actual” landbank and the “real” landbank are effectively the same. The MPA will not impose unnecessary conditions on future permission which would restrict production levels such that the Essex landbank can continue to provide the minerals industry with the means to satisfy demand at the sub-regional apportionment level.

Provision in Local Plans

4.12 MPG6 now clarifies the extent of the resources that need to be identified in Mineral Local Plans. Previously it was considered that sufficient resources should be identified at the beginning of the Plan period to be available to maintain the landbank at the end of the Plan period. The original MSP, for example, sought to identify sufficient resources in Preferred Sites to last for the 10 years of the Plan period, 10 years beyond that plus a 2 year margin (10 + 10 + 2), i.e. for 22 years hence.

- 4.13** As the Plan is due to be regularly reviewed, resources can be added incrementally to allow the MPA to maintain the landbank. Paragraph 64 of MPG6 endorses the approach of identifying sufficient resources for the Plan period plus a margin to allow for the Review pattern.

"In preparing development plans MPAs should be able to demonstrate that sufficient resources have been identified or can be identified to ensure that the landbank can be maintained at the requisite level throughout the plan period (see advice in paragraphs 58-61 above). There should also be commitment included in the plans to ensure that a landbank can be maintained at the end of the development plan period in line with the policy at paragraph 63 above. However it is not the intention of this Guidance Note that MPAs should, at the start of the plan period, make full provision for the maintenance of a landbank for the period beyond the plan period. Consequently it will not be necessary for resources to be identified at the time of plan preparation for this purpose. But MPAs will need to be able to demonstrate that such resources can be brought forward should this be necessary."

Appropriate Area for landbank

- 4.14** Paragraph 65 re-affirms the guidance from the original MPG6, that the whole County is the suitable area to provide for the landbank. MPAs may decide to adopt a different sub-County or local area approach. This Authority has given this consideration but decided that the whole County of Essex is the most suitable area and that sub areas are not appropriate.

- 4.15** The Department of the Environment has published the other following Minerals Planning Guidance Notes which seem of most relevance in Essex:

MPG1	General Considerations and the Development Plan System (June 1996).
MPG2	Applications, Permissions and Conditions (January 1988).
MPG4	The Review of Mineral Working Sites (September 1988).
MPG5	Minerals Planning and the General Development Order (December 1988).

- MPG7 The Reclamation of Mineral Workings (August 1989).
- MPG8 Planning and Compensation Act 1991: (IDO's) Procedures (September 1991).
- MPG9 Planning and Compensation Act 1991: (IDO's) Conditions (March 1992)
- MPG10 Raw materials for the cement industry (November 1991).
- MPG11 The Control of Noise at Surface Mineral Workings (April 1993).
- MPG14 Environment Act 1995: Review of Mineral Planning Permissions (September 1995).
- MPG15 Provision of Silica Sand in England (September 1996).

Regional

- 4.16 The Department of the Environment's MPG6 contains in Annex A "Regional Guidelines for Aggregate Provision in England". The following extract is that for the South East Region, the figures underlined are corrections to the printed text agreed by the DOE by letter of 7 February 1995:

"SOUTH EAST

Current patterns of supply and production

A3.1. In 1989, the last year for which Aggregate Minerals Survey information is available, the South East produced almost 55% of its aggregates consumption, 4% of which is from crushed rock sources, 42% from land sourced sand and gravel and an assumed 10% from secondary/recycled material. The remaining 45% of consumption was met from: imported crushed rock (24%); marine dredged sand and gravel (18%); and imports of sand and gravel from adjoining regions (3%). 5% of sand and gravel production and 9% of crushed rock production was exported to other regions.

Future demand

A3.2 Over the 15 year period to 2006 there is likely to be a demand from within the region for approximately 1270mt of aggregate materials. Other regions are likely to make demands on the region for an additional 30mt of primary aggregates.

Guidelines for land won primary aggregates

A3.3 On the basis of the anticipated demand in the region and demands from other regions the South East will need to produce 450mt of aggregate material from primary won land sources within the region: 420mt of this is anticipated to be sand and gravel and 30mt crushed rock. About 7% of the sand and gravel production is anticipated to be exported, principally to the South West region. MPAs in the region should make provision in their development plans for 420mt of sand and gravel and 30mt of crushed rock over the period 1992-2006.

Assumptions about imports from other regions

A3.4 The Department has assumed that 300mt of the region's aggregates supply will be imported from other regions of England, principally the South West and East Midlands. The majority of these imports will be crushed rock.

Assumptions about other sources of supply

A3.5. So that the context of the guidelines can be understood, the Department has made a number of broad assumptions about supplies from other sources. These are that 550mt of aggregates supply will come from sources other than primary land based production in England. Of this supply it is assumed that about 260mt may be provided from marine dredged sources, 145mt may be provided by imports from outside England and Wales, 5mt by imports from Wales, and 140mt may be provided from secondary and recycled material.

Landbanks

A3.6. Landbanks in the South East will be based on the provision in minerals local plans that reflect the sub-regional apportionment of these guideline figures made by SERPLAN as described in paragraph 81 of this Minerals Planning Guidance Note. Alternatively where plans do not reflect these guidelines the landbank should be based on the apportionment set out in the appropriate guidance from SERPLAN."

- 4.17** In support of this regional policy the Mineral Planning Authorities in the South East through SERPLAN have revised the original apportionment exercise in respect of the regional needs to define the production levels for each county which in 1989 resulted in a figure for Essex of 6.9mtpa (RPC 1446). The new exercise was endorsed by SERPLAN in December 1994 entitled "The Sub-Regional Apportionment of the Regional Sand and Gravel Requirement in MPG6" (RPC 2705). For Essex the apportionment figure is 6.2 million tonnes per annum.

Structure Plan Policy

- 4.18** The First Alteration to the Structure Plan was approved by the Secretary of State in July 1991. The section relating to minerals is part of Appendix 1 of this Review.
- 4.19** The Second Alteration to the Structure Plan was approved in January 1995. It contains a revision to Policy NR19A of the First Alteration to match the original Policy 1 of the MSP. Policy 1 is proposed to be amended (see below) to reflect the new MPG6.

5. FUTURE SAND AND GRAVEL PRODUCTION

Regional Background

- 5.1 The basis for projected supply is the apportionment figure originally set out in SERPLAN (The London and South East Regional Planning Conference) document RPC 2705 and referred to in paragraph 4.17. This follows publication of MPG6 and the new figure for Essex is 6.2 mtpa. This collective approach is advocated in A3.6 of MPG6. This figure is essential to the Review's production. It is proposed that the Minerals Local Plan be reviewed every four years when updated base figures can be used. The figure is derived from National and Regional forecasts of production and how each County is expected to contribute to Regional production. It therefore takes account of the future contribution of other materials (e.g. marine dredged sand and gravel, or hard rock imports) to total consumption.
- 5.2 This apportionment figure is an estimate of the annual provision required to meet the county's share of the regional supply of aggregates, and is not intended as a target. As the following data illustrates, production has fluctuated in the past and is likely to do so in the future.
- 5.3 New estimates of demand from the Department of the Environment show an increase in projected consumption of aggregates nationally over what was expected in the original MPG6. However, the original strategy for land-won sand and gravel production in the South East remains. That is to keep such production relatively constant and meet increased demand through other sources: marine dredged sand and gravel, crushed rock, recycled material, waste materials such as residues from industrial processes. The new Regional Apportionment and County Apportionment levels of production as a result of the new MPG6 have been reduced by 10% to reflect the increase contribution of other sources of supply.

History of sand and gravel extraction in Essex

- 5.4 Table 1 below sets out the recent history of sales, reserves and the quantities given planning permission or refused permission during the year in question. The actual figures of sales and reserves are provided by the industry.

Table 1: Land-Won Sand and Gravel produced in Essex million tonnes (m.t.)

<u>Year</u>	<u>Sales a.</u>	<u>Reserves b.</u>	<u>Permitted c.</u>	<u>Refused f.</u>
1979	7.369 g.	89.356 g.	6.698	0.103
1980	5.719 h.	88.829 e.	5.192	5.344
1981	6.057 h.	84.383 e.	1.611	3.925
1982	6.020 d.	71.250 d.	6.158	5.864
1983	6.305 g.	69.900 g.	2.628	2.864
1984	5.053 h.	67.522 e.	2.675	4.150
1985	6.469 g.	57.443 g.	2.575	0.904
1986	6.329 h.	55.418 e.	4.304	5.273
1987	6.934 g.	53.033 g.	1.594	3.107
1988	7.633 h.	46.994 e.	1.28	2.952
1989	7.711 g.	45.134 g.	3.550	0.270
1990	6.184 g.	78.959 g.	40.009	6.055
1991	4.642 g.	76.112 g.	2.075	11.673
1992	4.435 g.	71.790 g.	0.556	0.100
1993	4.088 g.	71.498 g.	6.270	1.795
1994	4.430 g.	69.140 g.	3.325	0.166
1995	4.147 g.	72.594 g.	11.081	10.318

a. During the year

b. As at 31 December

c. Permitted during year - included in the year end reserve figure

d. From Essex County Council Survey

e. Estimated

f. Refused during the year

g. From Annual Monitoring Surveys

h. From Business Monitor (with adjustment to exclude marine material)

Resources in the Review

- 5.5 The aim of the guidance in MPG6 is to provide for the release of land to maintain a stock of permissions (of land-won sand and gravel) at an appropriate local level sufficient for at least 7 years' extraction. The Review therefore needs to identify sufficient land for the maintenance of that level up to the end of the Review period i.e. 2004 and for a period thereafter.
- 5.6 The Review is based on the reserve situation at the beginning of 1995. It has a Plan period of 10 years i.e. 1995-2004 inclusive as required by paragraph 5.17 of PPG12, and there will be further Reviews every four years which will be based upon the reserve situation at the beginning of 1999, 2003, etc. MPG6 requires that MPAs maintain a 7 year landbank at all times. Each Review will commence preparation before the end of the new base year and can be expected to be adopted within 18 months after the base date. Each Review will roll the Plan period of 10 years forward. Therefore this Review needs to identify sufficient resources of sand and gravel from the base date of 1995 to maintain a 7 year landbank. This means resources for the 10 year Plan period, plus 4 years to allow a seven year landbank to be maintained at all times taking the review pattern into account. This is made up of 7 years, plus 4 years before a subsequent Review, plus a margin equivalent to 3 years' working. This margin is required to allow for a delay in adoption of a Review and to allow for over-estimates of yield or for sites not coming forward.
- 5.7 The original Plan had a different approach of identifying sufficient resources for a 10 year Plan landbank at the end of the Plan period plus a margin of 2 years. Identification of excessive resources could lead to over production of a cheap local source of aggregate which would negate the Government's policy to encourage the industry to seek resources elsewhere. In recent years a low level of economic activity has meant that production rates have slowed and companies have been unwilling to enter into the expensive process of obtaining planning permission for new sites, when they will not be needed for many years. Without the restraint of a recession, there would be the ability to substantially increase production.

- 5.8** In order to husband resources and encourage other sources of supply it would be unwise to overprovide sites. The Review identifies sufficient resources to enable a landbank of at least 7 years to be maintained. New Government policy initiatives on sustainability mean that no more mineral should be worked than is strictly necessary. The MPA will do its part to ensure that production at the agreed apportionment level can be met by maintaining the permitted landbank and not fettering the minerals industry's ability to meet this production level by not normally imposing conditions on new permissions which would have the effect of restricting output.
- 5.9** To calculate the size of the sand and gravel resources to be included in the Review it is necessary to know the reserve position at the base date and the projected production for the following years. The apportionment exercise is described in 4.17 above. The figure for Essex is currently 6.2 mtpa.
- 5.10** Thus for the Review period 1995-2004 and to allow a margin, resources to be identified should be 86.8 mt (6.2 x 14).
- 5.11** Based on figures provided by the minerals industry, the landbank of sand and gravel at the beginning of 1995 was 69.140 mt.
- 5.12** Thus the Review must identify:

14 x 6.2 mt	86.8 mt
less landbank beginning of 1995	<u>69.1</u>
	17.7 mt

The remaining unconsented (as at 1.1.95) preferred sites of the original MSP are estimated to produce a yield in excess of that figure, even deleting those sites no longer suitable, **such that no new Preferred Sites need to be identified in this review.**

Landbanks

- 5.13** The purpose of the landbank is to provide a guide to the position on reserves with planning permission such that even if no further planning permissions are granted the reserves would last for the period calculated. They are secure reserves not just known resources which still face the hurdles of the planning system.
- 5.14** The landbank is not intended to be a precise tool which guarantees production capacity year on year. To use production capacity as a means of demonstrating a secure future would require open discussion about production levels, capacity and size of reserves site by site. This information is supplied to the MPA by the minerals industry on a confidential basis and the industry have not given any indication that a production capacity exercise using these confidential figures is acceptable.
- 5.15** The MPA has the responsibility for ensuring that a landbank of permitted reserves is maintained by the steady release of sites by the grant of planning permission. The Review contains Preferred Sites for future sand and gravel extraction which, when added to the current landbank, should allow a landbank to be maintained throughout the Plan period when the pattern of subsequent Reviews is taken into account.
- 5.16** The scale of the resources in the Review is essentially a matter for the MPA. They have the responsibility for maintaining the landbank and if the Review is unreliable or some of the resources prove unavailable then, depending upon the size of the landbank at the time, other non-Preferred sites may have to be permitted. As the MLP is to be reviewed every four years then adjustments can be made.
- 5.17** There is no statutory duty for the Review to identify any specific level of resources. There was much debate at the original MSP Inquiry that either the size of the resources was too small or that some of the Preferred sites would not be suitable or available. On this basis alternative or additional sites were suggested by objectors. Much of the five week Inquiry was taken up with evidence about these other sites. The Inspector's Report rightly made no

comment on these sites having concluded the Preferred sites in the MSP were satisfactory and adequate for the MSP's purpose. The Review Inspector reached the same conclusion.

Need

- 5.18** Planning permission for sand and gravel extraction should only be given when Structure Plan Policy NR19 is satisfied. Permission should only be given when there is a need for the mineral - nationally, regionally or locally. In this context "local" means "the County".
- 5.19** The MPA considers there is no need if there is a landbank of permitted sand and gravel reserves to satisfy the requirements of MPG6. Mineral working is a disruptive operation in the countryside and sits uneasily with the normal agricultural or residential ambience. Operations have an unavoidable visual impact frequently accompanied by noisy plant and dust. Heavy lorries used to transport aggregate or import restoration material have in the past all too often been imposed on unsuitable roads and villages on route. Dust may also prove to be a nuisance during soil moving operations; the soils on the site may be light and when dry are prone to give rise to wind-borne dust. During the process of extraction the visual impact of the operations is substantial.
- 5.20** There can be no other interpretation of need. Certainly the commercial expediency of individual companies or a need to release more reserves because an operation is running out of material is not a justifiable definition. The planning process is concerned primarily with the use of land and whilst the potential difficulties of the company are a consideration they cannot be afforded over-riding weight. There can be no obligation on the part of the MPA to release land, contrary to policy considerations, in order to maintain the existence of an operation or a mineral company.
- 5.21** A balance has to be struck between the case for mineral extraction and the protection of the environment. Where there is no "case", because there is no need (there is already a sufficient landbank) then the "protection of environment" must be an over-riding consideration.

- 5.22** The absence of need for additional reserves of minerals to be given permission for working creates a background or climate against which an application can be considered. Where there is no need then the environmental problems that extraction and restoration create become a more forceful consideration. Where there is a need then, in the “balance”, it assumes more weight and the effects on the environment, subject to mitigation, have to be tolerated.
- 5.23** This does not mean, however, that consideration of any Preferred Site is suspended when the landbank nudges past the 7 year minimum. Paragraph 63 of MPG6 says the landbank must be at least 7 years. The Preferred Sites, so long as preconditions can be met, are in principle acceptable for mineral working. They have been selected after a long process of detailed consideration, public participation, Local Inquiry and Inspector’s Report, and adoption by the MPA.
- 5.24** It would be impractical to defer consideration or refuse planning permission for extraction from a Preferred Site on the basis that the landbank was sufficient for 7 years. If consents were held to this fine line then sites could be refused consent one month but permitted the next. In practice applications for all the Preferred Sites are unlikely to be submitted all at once, but even if they were, then it is likely they would be permitted if the proposals were satisfactory.
- 5.25** In effect the public are expecting proposals on the Preferred Sites so that whenever they come will cause no surprise. This is not the case with non-Preferred Sites so that the actual landbank and need position are more forceful considerations.
- 5.26** The assessment of need is necessary in relation to a Preferred Site in the following circumstances:
- a) If there is a pre-condition or requirement in Schedule 1 of this Plan, e.g. that access be improved or re-routed, this is saying that without such requirements being met the Preferred Site is environmentally unacceptable.

- b) As the third paragraph of this Review (1.3) makes clear, all sites must be examined carefully when they are the subject of a detailed planning application. The Review represents a broad view of the suitability of a Preferred Site. If on closer examination there is an unforeseen environmental or other problem then, absent need, the Preferred status of the site will not lead to the grant of permission.

5.27 Two policies are now included in the Review which are central to minerals planning. Policy 1 of the original MSP has been modified to take account of the new MPG6.

5.28 The first deals with the MPA's endeavours to maintain a landbank calculated by the inclusion of all permitted reserves divided by the apportionment figure.

POLICY MLP1

THE MINERAL PLANNING AUTHORITY WILL ENDEAVOUR TO ENSURE THAT RESERVES OF LAND WON SAND AND GRAVEL ARE ALWAYS AVAILABLE, WITH PLANNING PERMISSION, SUFFICIENT FOR AT LEAST SEVEN YEARS' EXTRACTION OR SUCH OTHER PERIOD AGREED AS NATIONAL POLICY, BASED ON THE PRODUCTION LEVEL THAT MAY BE PERIODICALLY AGREED BY THEM AS PART OF THE REGIONAL APPORTIONMENT EXERCISE.

5.29 For the purposes of the following Policy, "Need" has been clearly defined in paragraphs 5.18 - 5.26 above. The Policy defines three levels of need: national, regional and local. This Review defines these as:

- a) National: The general guidance of Government through MPG6.
- b) Regional: As set out in the Regional Guidelines contained in MPG6.

- c) Local: MPG6, paragraph 65, sets out that it is for the MPA to determine the appropriate area for landbank purposes and usually it will be the administrative County. The MPA considers that the “appropriate local area” means the whole County without sub-areas. Sub-areas are difficult to universally define and information is only collated on a County-wide basis. Furthermore this also means that production and production capacity can only be viewed on a County-wide basis for the same reasons. This is introduced here for clarity although it has already been made clear that production and production capacity are a different concept to the role of landbanks.

The Policy on need and the grant of permission is as follows, the wording is derived from Policy NR19 of the approved Structure Plan:

POLICY MLP2

MINERAL WORKING WILL BE PERMITTED ONLY WHERE THERE IS AN IDENTIFIED NATIONAL, REGIONAL OR LOCAL NEED FOR THE MINERAL CONCERNED.

IN THE CASE OF PREFERRED SITES THE PRINCIPLE OF EXTRACTION HAS BEEN ACCEPTED AND THE NEED FOR THE RELEASE OF THE MINERAL PROVEN. APPLICATIONS WOULD BE ALLOWED UNLESS THE PROPOSAL FAILS TO MEET A PRE-CONDITION OR REQUIREMENT IN SCHEDULE 1 OR THERE ARE UNFORESEEN UNACCEPTABLE ENVIRONMENTAL OR OTHER PROBLEMS.

6. FUTURE AREAS OF WORKING (SAND AND GRAVEL)

- 6.1 Whilst aggregates can only be worked where they naturally occur, it is the intention of this Review to identify workable deposits in those areas where mineral working will do least environmental damage. Structure Plan Policy NR20 (Appendix 1) seeks to safeguard workable mineral deposits that would be sterilised by surface development and allows consideration of the prior extraction of such minerals in circumstances where surface development is to be permitted. Therefore consideration must also be given to the release of deposits which may be sterilised by surface development when such proposals arise.
- 6.2 The MSP First Consultation Draft was published in 1986, looking at areas considered to contain workable deposits, deducting areas of constraint, then using the MPA's judgement a site selection was made. Many of these sites proved impractical when subject to consultation.
- 6.3 The Second Consultation Draft contained Preferred Sites which had been selected by the MPA from many which had been suggested by the minerals industry and others. This was considered a better approach such that each site was commercially and practically suitable for sand and gravel extraction.
- 6.4 With some modification it was essentially the sites of the Second Consultation Draft which formed the 25 Preferred Sites of the Adopted MSP, with a total yield of some 90.25mt and an area of some 948 ha.
- 6.5 By the beginning of 1995 the following MSP Preferred Sites had received planning permission: A, B, C, D, E, G, H, I, L, P, P1, Q, T. These are included in the landbank figure. Applications, at that time, were pending on the following Preferred Sites: O, R, S and Y. In May 1995, permission was refused for Site O and final approval for Site S was given in May 1995.

6.6 Some of the unconsented Preferred Sites are now to be deleted:

(i) Site X Martels Pit, Bucbricks, Ardleigh, Tendring.

Planning applications for part of the site were submitted in 1990/1991 and an Inquiry held to consider the appeal made against non-determination. The appeals were dismissed by the Secretary of State in August 1993. The MSP required that the site obtain access to the A120 Trunk Road as a means of complying with Policy 3 of the Plan. This now looks unobtainable and the Site can no longer be included within the Review's schedule of Preferred Sites.

(ii) Sites N, O. Cory, Mucking, Thurrock.

A planning application for Site O - Gobions End was refused permission in May 1995. The MSP required extensive improvements to the highway network to comply with Policy 3 to make these sites acceptable. A proposal for a new access road was made as part of a planning application for substantial waste disposal of the site, but it was made clear by the company that it would not be willing to provide the new access for mineral extraction on sites N and O alone. That planning application for major waste disposal was the subject of an Inquiry in 1993 and the appeal was dismissed by the Secretary of State in 1994. A High Court appeal against the Secretary of State's 1994 decision was dismissed in March 1995. Included in the decision was rejection of the access road for Green Belt and landscape reasons. Thus the access road will not be built and the sites can no longer be included in the Review's schedule of Preferred Sites.

(iii) Site U Warwick Lane, Rainham.

This small site could only be worked with a conveyor carrying material to a nearby pit. Such a proposal has not materialised. It has now been discovered that there is an important archaeological feature on the site which should not be disturbed. The site is no longer included in the Review's schedule of Preferred Sites.

- 6.7 The total yield of these sites was approximately 7 mt, the loss of which can be accommodated in the Review without damage to the objective of identifying sufficient resources to enable a minimum 7 year landbank to be maintained.

Selection of Preferred Sites

- 6.8 The original Preferred Sites of the Adopted MSP were selected from a range of sites suggested by the minerals industry, supported by information on yields. A Panel of Members and Officers inspected and considered every suggested site. In selecting the Preferred Sites, the MPA has been guided by its Structure Plan and Minerals Plan policies and by their judgement and experience. Site selection cannot wholly be based on a checklist of policy advantages and disadvantages.
- 6.9 Further sites were put forward by the minerals industry and others in 1991 as an input to this Review. These were examined as before. However, because of changing Government guidance none of those sites is required now.

Site Selection

- 6.10 When considering the sites suggested, the MPA took account of the following criteria in paragraph 6.11 to 6.26. These considerations are applicable to proposals to extract other minerals and to mineral related development generally.

Transportation

- 6.11 Mineral extraction, which is often accompanied by restoration requiring imported fill material, involves heavy lorries although, where appropriate rail or water based transport will be preferred. The River Lee Navigation in Essex is classified as a commercial waterway, principally available for the carriage of freight, and British Waterways will be consulted at an early stage on any relevant proposal. The routing of vehicles is usually as important as the actual site operation. The County Council already have policies which seek to get heavy lorries onto the main highway network. Policy T14 of the Structure Plan (see Appendix 1 for Structure Plan policies) directs lorries onto suitable routes

based on the road hierarchy, and this is reinforced in Policy T4. The appropriate roads are defined in Policy T2 and are: Strategic Motorway, Strategic Primary Road, Regional Primary Road, Principal County/Urban Road. Further detail is given in Section 5 and Appendix 3 of the County Council's "The Highway Aspects of Development Control". This document was approved by the Highways Committee in 1987. This in effect guides developments towards locations with access to the main road network defined above. Occasionally other forms of transport, for example rail and water, may be proposed for removing minerals from the site and these will be judged on their merits.

- 6.12** It is of the utmost importance when permitting new mineral sites or extensions to existing sites that lorries use these routes. To locate sites away from the main highway network, such that other routes would need to be used, cannot be justified. The Policy which follows has been evolved after much debate at the original MSP Inquiry and following guidance in the Inspector's report and the wording is effectively unaltered from the original Policy 3 of the Adopted Plan. It is a hierarchical policy at three levels. Ideally sites should be chosen where access falls into the first level. If sufficient sites cannot be found in this category then sites satisfying the second level would need to be considered. Similarly the third level sites would only be included if insufficient resources could be identified falling within the two upper levels. Any other access would be environmentally unacceptable.
- 6.13** The third level of the policy says that proposals involving roads outside the hierarchy, defined above, may exceptionally be accepted if in the opinion of the MPA, *inter alia*, there will be no undue impact on the environment. This is a difficult matter to quantify. The MSP Inspector suggested such roads should not pass through a settlement. Other considerations are the quality of the road; a pleasant country lane, for example, used by motorists, walkers and horseriders would clearly be unsuitable for use by heavy lorries.
- 6.14** The question about what is an acceptable route for lorries outside the defined hierarchy is academic if adequate sites can be found in the upper levels of the Policy. While the Policy provides a guide to selection of preferred sites, its sequential approach is applicable to consideration of all applications for mineral extraction, whether a preferred or non-preferred site.

- 6.15** Level 1 of the Policy recognises that new accesses onto main roads should be avoided, unless there is no alternative (Level 2). It is obvious therefore that other roads which have an existing junction with the main road will have to provide immediate access to the site. This will normally be a very short length of these roads which will usually require substantial improvement and junction improvement where they access the main road. In selecting Preferred Sites which fall into Level 1 the MPA are reasonably satisfied that such improvements can be achieved, but see Chapter 9 for guidance on the funding of these improvements.
- 6.16** Direct access onto primary routes should be avoided as far as practicable such that other roads provide initial access. This approach is reflected in paragraph 6.4 of Planning Policy Guidance 13 "Transport".

POLICY MLP3

1. ACCESS FROM A MINERAL WORKING WILL PREFERABLY BE BY A SHORT LENGTH OF EXISTING ROAD TO THE MAIN HIGHWAY NETWORK, DEFINED IN STRUCTURE PLAN POLICY T2, VIA A SUITABLE EXISTING JUNCTION, IMPROVED IF REQUIRED, IN ACCORDANCE WITH STRUCTURE PLAN POLICIES T4 AND T14.
2. PROPOSALS FOR NEW ACCESS DIRECT TO THE MAIN HIGHWAY NETWORK MAY EXCEPTIONALLY BE ACCEPTED WHERE NO OPPORTUNITY EXISTS FOR USING A SUITABLE EXISTING ACCESS OR JUNCTION, AND WHERE IT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE COUNTY COUNCIL'S HIGHWAY STANDARDS. THERE IS A PRESUMPTION AGAINST NEW ACCESS ONTO MOTORWAYS OR STRATEGIC TRUNK ROADS.

3. WHERE ACCESS TO THE MAIN HIGHWAY NETWORK IS NOT FEASIBLE, ACCESS ONTO A SECONDARY ROAD BEFORE GAINING ACCESS ONTO THE NETWORK MAY EXCEPTIONALLY BE ACCEPTED IF IN THE OPINION OF MPA THE CAPACITY OF THE ROAD IS ADEQUATE AND THERE WILL BE NO UNDUE IMPACT ON ROAD SAFETY OR THE ENVIRONMENT.

Agriculture

- 6.17 The Ministry of Agriculture, Fisheries and Food (MAFF) were consulted on all the suggested sites. They gave advice on the agricultural land classification and restoration ability of the sites. The best sites are those where agricultural classification is low and where a good standard of restoration can be achieved.

Landscape and Nature Conservation

- 6.18 Proposals for mineral working in the following areas are subject to the most rigorous examination: Areas of Outstanding Natural Beauty (Structure Plan Policy NR11), SSSI's (NR6) and National Nature Reserves (NR6), Special Protection Areas (NR6), Ramsar Sites (NR6), Special Areas of Conservation (NR6). Proposals for mineral working in the following areas are unacceptable where such operations would be likely to have an undue impact: Ancient Woodland (NR16), Ancient Landscapes (NR10), Registered Parks and Gardens, Special Landscape Areas (NR12, NR21), Local Nature Reserves (NR7), Sites Important for Nature Conservation (NR8), Countryside Conservation Areas (NR9). Features of the landscape indicated in PPG9 as those to which Article 10 of the Habitats Directive, regulation 37 of the Conservation (Natural Habitats etc.) Regulations 1994 (The Habitats Regulations) will apply. Some of these areas are defined in the Authority's Countryside Conservation Plan, although designation made after that Plan was published (e.g. the new Ramsar sites) are separately recorded. In fact, none of the preferred sites will materially affect any of these areas.

- 6.19 Each site, regardless of whether it was located within any of these Policy areas was assessed to gauge the acceptability of working and restoration in the landscape, in accordance with Policy NR10 of the Structure Plan.

Proximity to settlements/dwellings or occupied buildings

- 6.20 Sites were assessed with regard to the amenities of any settlements, dwelling or occupied buildings in the locality. Ideally sites should be well removed from homes for the disruption they inevitably cause despite the ameliorative measures that can be taken, and see Chapter 9.

Processing Plant

- 6.21 The MPA have to be reasonably sure that somewhere on a Preferred Site there is a location where processing plant and associated buildings and structures will not be prominent and can be acceptable within the landscape. Mineral working processing plant is an alien and incongruous development in the countryside but may be a necessary concomitant to mineral working, which can only take place in the countryside. There must be every effort made to conceal the processing plant such that it is not readily visible and the impact of the whole operation is reduced. Where a suggested Preferred Site is an extension to an existing operation the impact of the existing plant on the appearance of the countryside is more readily assessed.

Geographical location of workings

- 6.22 The MPA does not have a sub-County approach either to the landbank or to the location of supply sources. It does not recognise the concept of market areas because these are difficult to universally define and most parts of the County can be supplied from pits located on the main highway network, which flows from Policy 3. Nonetheless, in an area already containing a large supply facility it is unnecessary to provide more and, all things being equal, Preferred Sites which satisfied other criteria were chosen in localities where there were few existing workings of any scale. Furthermore mineral working is a disruptive activity in the countryside and an area already with substantial workings may feel that it needs no more.

New Sites/extensions

6.23 The original Structure Plan policy giving preference to extensions to mineral sites, NR27, was deliberately deleted in the Approved First Alteration. MPG6 in paragraph 69 suggests that a policy favouring extensions to existing sites rather than new greenfield sites may be preferable as a means of minimising environmental disturbance. It goes on to say that this will not always be the case as some existing workings may be unsuitably located.

6.24 The Preferred Sites contain a mixture of new sites, and extensions. No preference was given to any category. It may make economic sense to continue an existing operation but if that operation causes harm, of various kinds, it is an argument without weight that an extension is a continuation of that operation. Planning has much more to do with improvement than maintaining the status quo.

The Preferred Sites

6.25 Planning applications are pending (at November 1996) or have been permitted since the beginning of 1995 on the following sites. These sites continue to be included in the Schedule of Preferred Sites as they were not consented at the base date of 1 January 1995. They are:

- (i) S: Birch, ARC

A revised yield figure for the Preferred Site of 7.73 mt as a result of the detailed submission, a higher reserve than was previously recorded is available in the consented site. Planning permission was granted in May 1995.

- (ii) Y: Bellhouse, Tarmac

Planning permission was granted in July 1996 following completion of a Section 106 obligation.

(iii) R: Rivenhall

A planning application was submitted in February 1995 for part of the Preferred Site. A planning appeal for a larger area than the Preferred Site was dismissed in December 1995. As a result of detailed submission, the yield in the Preferred Site has been adjusted to 6.87 mt.

(iv) J: Lodge Farm, Brightlingsea

A planning application was submitted in August 1994 which estimates 1.6mt in the Preferred Site, the schedule has been adjusted accordingly (previously 1.7mt).

6.26 The following original Preferred Sites remain to be consented as at 1 January 1995, and are in Schedule 1 of this Review:

		Yield	Area
		(mt)	(ha)
F	St Cleres, Danbury	0.39	3.6
J	Lodge Farm, Brightlingsea (b)	1.60	16.0
K	Little Easton	4.06	40.0
R	Rivenhall Airfield (c)	6.87	71.6
S	Birch (a)	7.73	47.0
V	Villa Farm, Tiptree	0.60	11.2
W	Royal Oak, Danbury	1.11	16.1
Y	Bellhouse Farm, Stanway (d)	1.33	24.0
	Total	23.69	229.5

- Note
- (a) Now consented in 1995
 - (b) Planning application submitted August 1994.
 - (c) Appeal for larger site now dismissed, planning application for majority of Site R submitted February 1995.
 - (d) Planning permission granted 1996.

6.27 From paragraph 5.12 above, the Review needs to identify 17.7mt of resources in Preferred Sites. The Preferred Sites of the MSP which were not consented at the beginning of 1995 can be carried forward into the Review except Sites N, O, U and X as explained above. The Review now includes these original MSP Preferred sites in Schedule 1, with a total yield of 23.69 mt.

6.28 Therefore the situation at the beginning of 1995 is:

Landbank at 1.1.95	69.14
Yield in pending Preferred Sites	<u>23.69</u>
Total	92.83

6.29 The sites listed in Schedule 1 and shown on the Proposals Maps have a total area of approximately 230 hectares. The boundaries shown are not intended to be precise but give a firm indication of the gross area within which new working may be acceptable. These sites are considered to be available for working having been selected with the knowledge of the industry and landowners. It is estimated that the total content of the sand and gravel deposits contained within these sites is approximately 24 million tonnes.

6.30 The approach of the Review is a flexible one:

- (i) to provide resources from which a 7 year landbank may be gained;
- (ii) to provide sufficient resources to enable a 7 year landbank to be maintained throughout the Plan period with allowance for the review pattern;
- (iii) a commitment to review the Plan every four years when the Plan period will be rolled forward.

6.31 It would be difficult if not impossible to find sites with yields which exactly matched the figure of 17.7mt. The Preferred Sites of the Review have a total yield of 23.69mt. Of that total there are applications either pending or already consented on Preferred Sites with a yield of 17.53mt (as at November 1996). Of the original MSP Preferred Sites, some have been deleted due to a material change in circumstances. For the remaining Preferred Sites (those in the

Review) there are no individual circumstances which would justify a deletion. They provide a welcome margin such that there is flexibility.

6.32 This flexibility is necessary to allow for:

- (i) sites which may not come forward;
- (ii) unworked areas within the sites;
- (iii) possible over-estimates of yield;
- (iv) sites which prove unacceptable when considered at the planning application stage.

6.33 Nothing in this Review over-rides the normal process of considering planning applications as and when made. If a Preferred Site proposal fails to include some pre-condition, e.g. new or improved access, set out in the Review; or when fuller details emerge as part of a planning application or Environmental Statement which show the working will cause unacceptable harm, or a good standard of restoration seems doubtful, the MPA will be fully justified in refusing planning permission. The Preferred Sites are not to be regarded as sacrosanct, to be given permission in all cases. The Review provides a range of Sites with a good margin in part to allow for some sites not coming forward or some sites not gaining permission. Nonetheless should objection arise, the case must be a robust one which can be fully defended should an appeal arise from refusal of permission. It would not be unexpected if local opposition were to re-emerge when a Site became the subject of an application, even though that opposition had previously been made and considered as part of the Local Plan process. Nevertheless the MPA in determining the proposals for the Site will have regard to its status in the Local Plan and will allow it unless material considerations indicate otherwise.

Non-Preferred Sites

- 6.34** There is a presumption against mineral working outside the Preferred Sites listed in Schedule 1. These sites have been the subject of full consultation on examination at a Local Plan Inquiry. Section 54A inserted into the Town and Country Planning Act 1990 reinforces the importance of planning decisions being in accordance with the development plan unless material considerations indicate otherwise. Permission of any scale outside of the boundaries of the Preferred Sites would be contrary to the Plan and even small sites have already been, and will continue to be, refused planning permission on this basis.
- 6.35** A non-preferred site is only likely to be favourably considered when it meets all the necessary criteria and where the landbank is insufficient. Exceptions may also be made where it is demonstrated that there is some over-riding need or over-riding other benefit to the release of the site. In this context "need" does not include the requirement to keep individual sites or companies in production (see 5.20).

POLICY MLP4

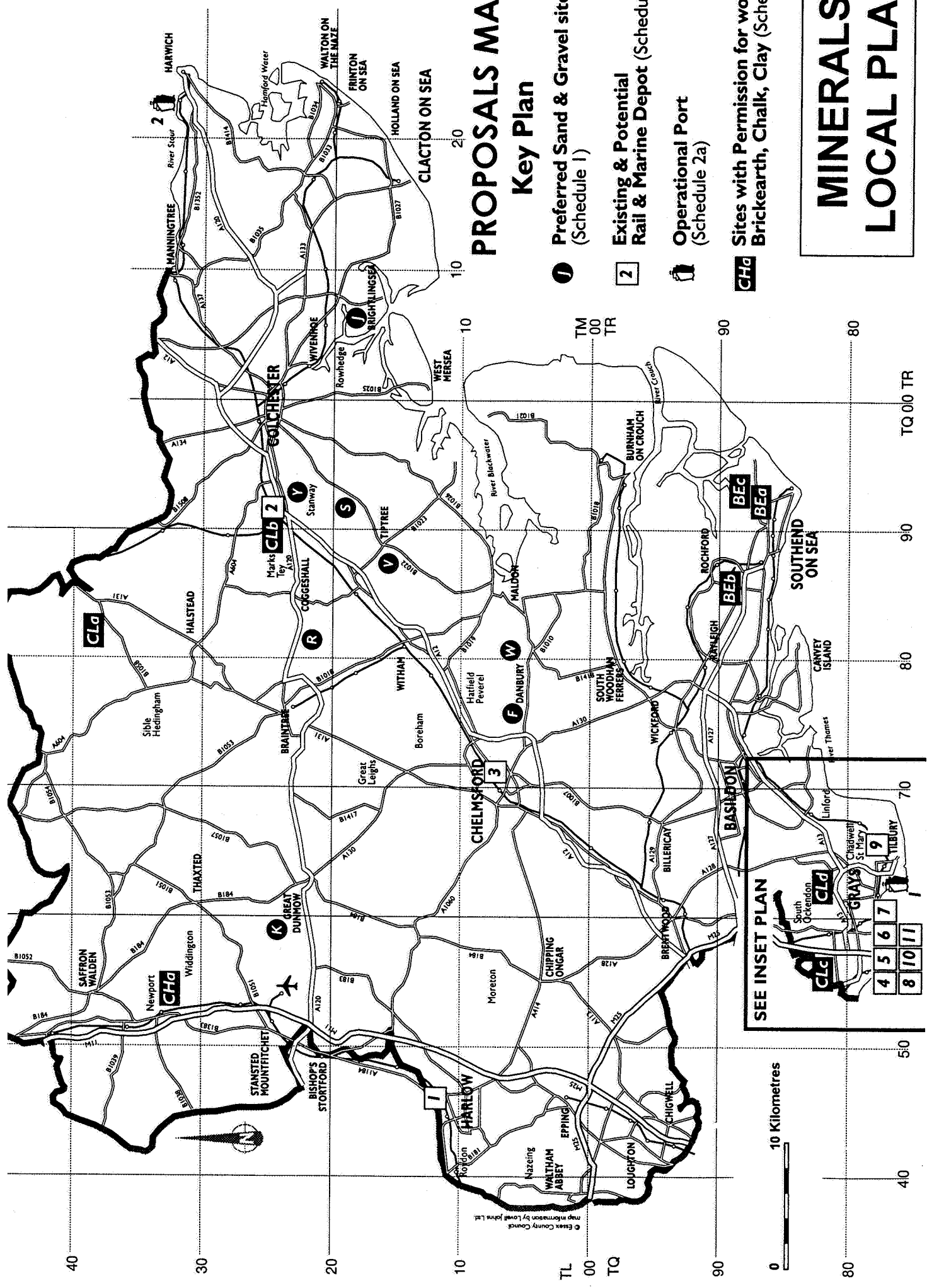
PROPOSALS FOR SAND AND GRAVEL WORKING ON SITES OTHER THAN THOSE LISTED IN SCHEDULE 1 WILL BE PERMITTED ONLY WHERE:-

- (i) THE RESERVES COMPRISING THE LANDBANK ARE INSUFFICIENT AND/OR THERE IS SOME OTHER OVER-RIDING JUSTIFICATION OR BENEFIT FOR THE RELEASE OF THE SITE;
AND**
- (ii) THE PROPOSAL WOULD BE ENVIRONMENTALLY ACCEPTABLE.**

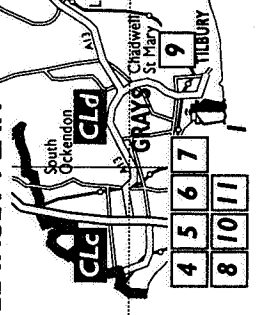
MINERALS LOCAL PLAN

PROPOSALS MAP Key Plan

- Preferred Sand & Gravel sites (Schedule 1)
- Existing & Potential Rail & Marine Depot (Schedule 2)
- Operational Port (Schedule 2a)
- Sites with Permission for working, Brickearth, Chalk, Clay (Schedule 3)



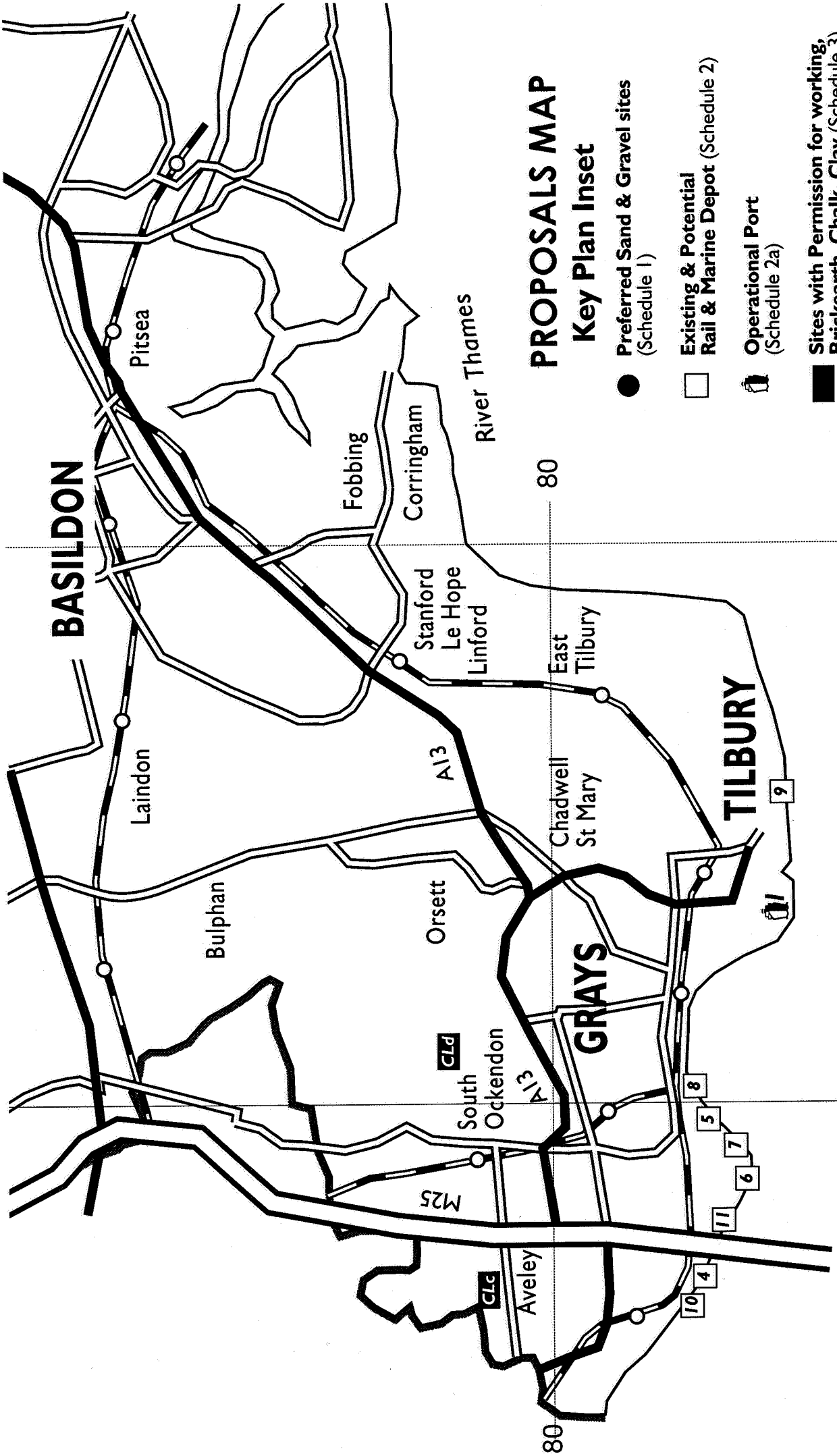
SEE INSET PLAN



0 10 Kilometres

Essex County Council
Map information by Lovell Jones Ltd.

MINERALS LOCAL PLAN



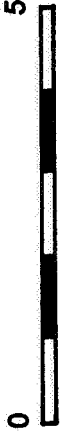
PROPOSALS MAP Key Plan Inset

- Preferred Sand & Gravel sites (Schedule 1)
- Existing & Potential Rail & Marine Depot (Schedule 2)
- ⚓ Operational Port (Schedule 2a)
- Sites with Permission for working, Brickearth, Chalk, Clay (Schedule 3)

70

60

5 Kilometres



80

BASILDON

TILBURY

GRAYS

Pitsea

Laindon

Bulphan

Fobbing

Corringham

Stanford
Le Hope
Linford

East
Tilbury

Chadwell
St Mary

South
Ockendon

Aveley

M25

A13

Orsett

A13

CLC

CLD

River Thames

Operational Port (Schedule 2a)

Preferred Sand & Gravel sites (Schedule 1)

Existing & Potential Rail & Marine Depot (Schedule 2)

Sites with Permission for working, Brickearth, Chalk, Clay (Schedule 3)

0

SCHEDULE 1**PREFERRED SITES FOR FUTURE SAND AND GRAVEL EXTRACTION**

The following maps show the "proposed new areas" for mineral extraction. These remain unaltered and were approved as part of the Adopted Minerals Subject Plan in December 1991.

Reference letter as previously ascribed in the Adopted Minerals Subject Plan.

- F St Cleres, Danbury
- J Lodge Farm, Brightlingsea
- K Little Easton, Dunmow
- R Rivenhall Airfield, Silver End
- S Birch
- V Villa Farm, Tiptree
- W Royal Oak, Danbury
- Y Bellhouse Farm, Stanway

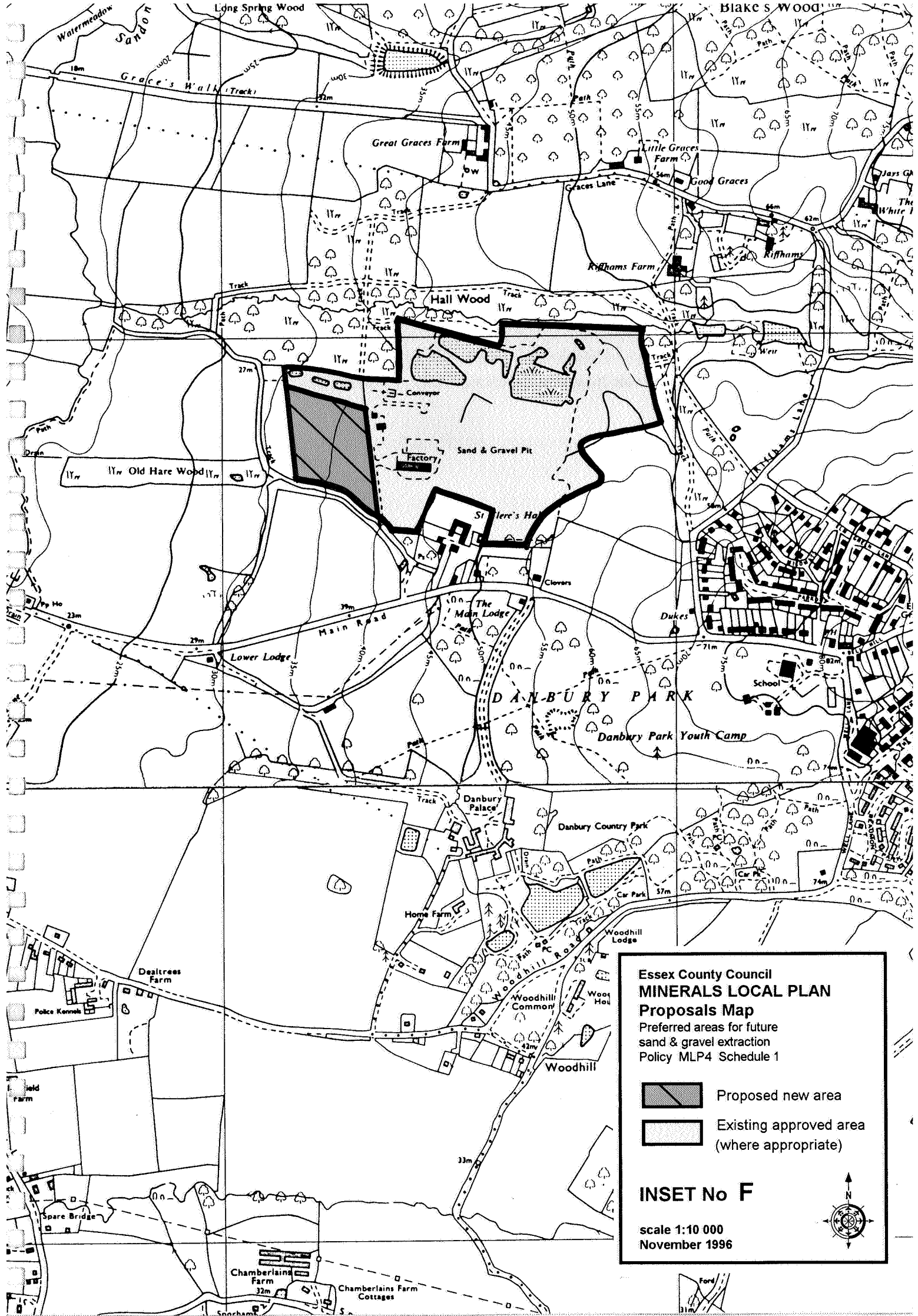
Site: F

Address: St Cleres, Danbury

Yield: 0.39mt



Area: 3.6 ha

- Notes:
1. The site would be an extension to an existing site at St Cleres utilising an existing access onto the A414, a Principal County/Urban Road.
 2. Any new permission would include a condition for a cessation of imports for processing.



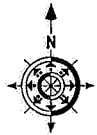
**Essex County Council
MINERALS LOCAL PLAN
Proposals Map**

Preferred areas for future
sand & gravel extraction
Policy MLP4 Schedule 1

-  Proposed new area
-  Existing approved area
(where appropriate)

INSET No F

scale 1:10 000
November 1996



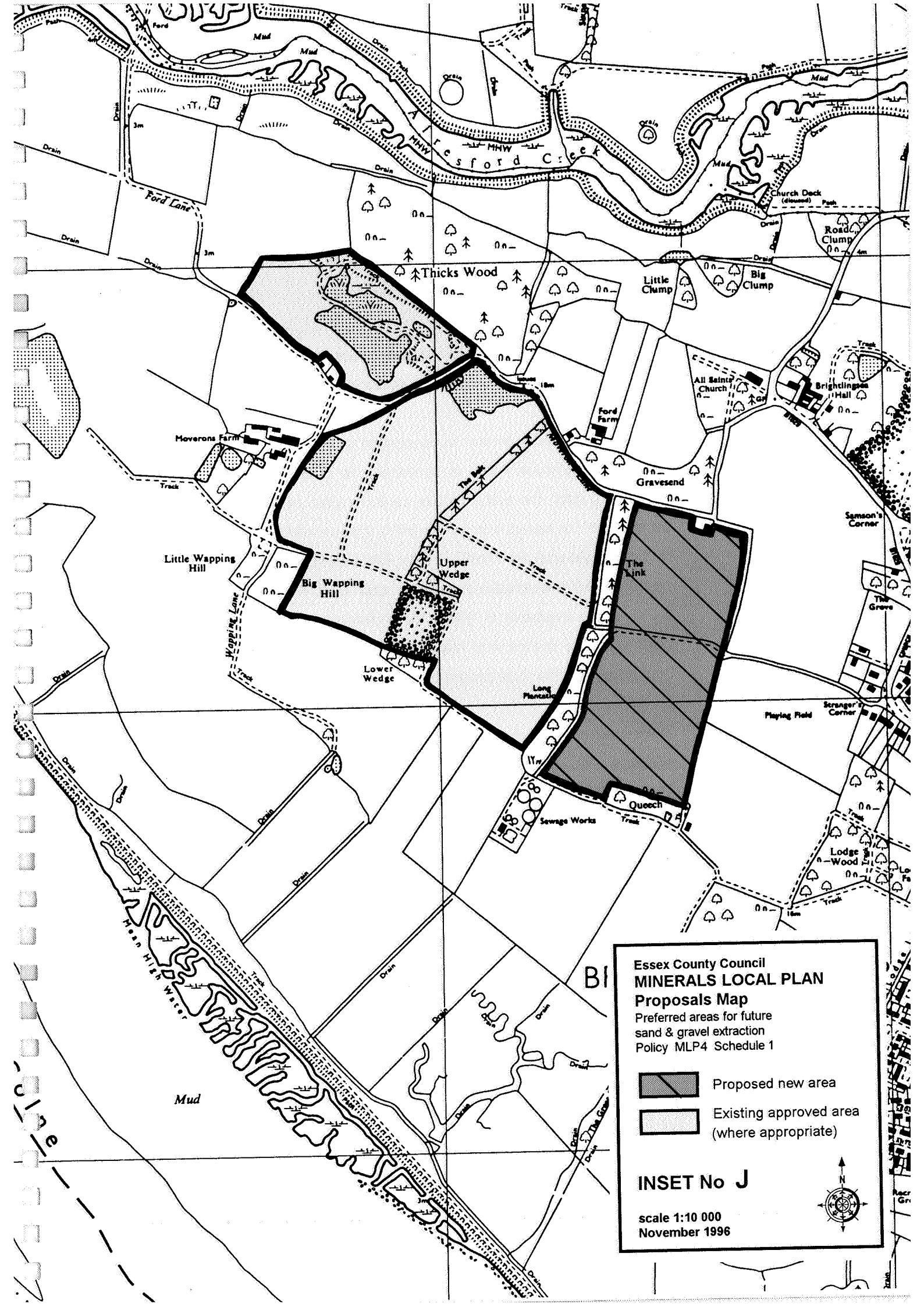
Site: J

Address: Lodge Farm, Brightlingsea



Yield: 1.60mt

Area: 16.0 ha

- Notes:
1. A planning application has been submitted for this site, which includes integration with the existing working site.
 2. Retention of existing landscape features is important.
 3. The existing access may need improvement, together with control over lorry numbers.

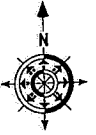


Essex County Council
MINERALS LOCAL PLAN
Proposals Map
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 Proposed new area
 Existing approved area
 (where appropriate)

INSET No J

scale 1:10 000
 November 1996



Site: K

Address: Little Easton, Dunmow

Yield: 4.06mt

Area: 40.0 ha

Notes: 1. This site is reasonably well hidden because of its remoteness and the topography. Screening to Little Easton is essential.

2. A new access (in a form to be agreed to the existing A120, but only when the realigned A120 is available), is a pre-requisite to mineral extraction from the site. Details to form part of the application for permission, for agreement by the MPA. The new A120 is now estimated to be operational by 1999. It may be possible to use some of the resources for the construction of the new road. Furthermore if the new A120 is not available in 1999, then consideration will be given to a permission for the mineral extraction without any further delay caused by slippage in the road programme.

3. A scheme for housing development ("Easton Park") to the east of the site was rejected by the Inspector's report on the Uttlesford Local Plan. The adopted plan, which is the subject of an appeal to the Court of Appeal, excludes any such proposal.

4. In the unlikely event of the new settlement proceeding then any ameliorative measures to protect the new housing should be outside the mineral site which was first allocated in 1991 before housing was proposed.



LITTLE EASTON CP

LE CANFIELD CP

Essex County Council MINERALS LOCAL PLAN

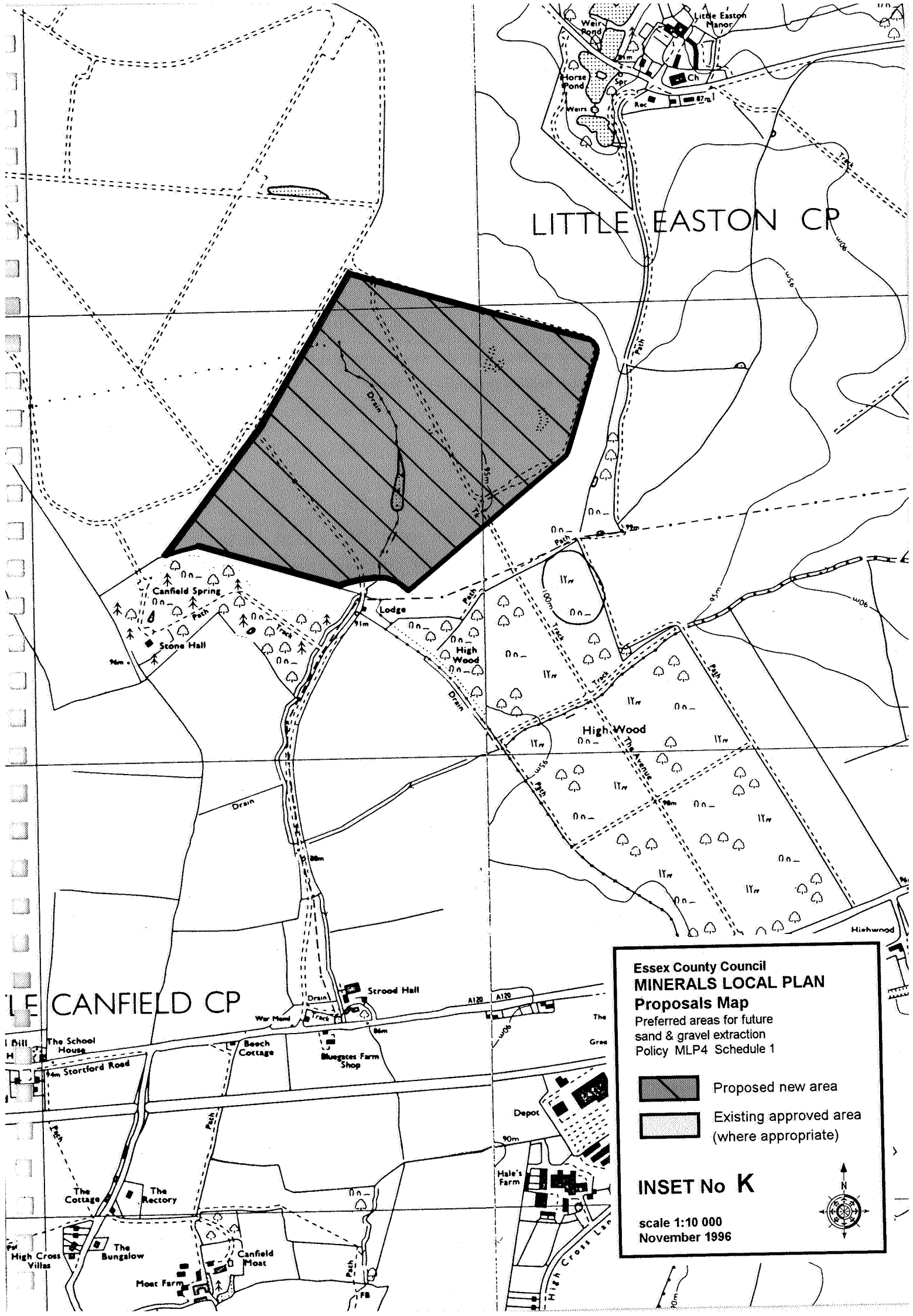
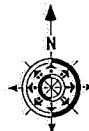
Proposals Map

Preferred areas for future
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-  Proposed new area
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(where appropriate)

INSET No K

scale 1:10 000
November 1996



Site: R

Address: Rivenhall Airfield, Silver End

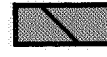
Yield: 6.87mt

Area: 71.6 ha

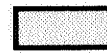
- Notes:
1. A planning appeal, which was for a much larger area than the Preferred Site, was dismissed in 1995.
 2. The yield recorded is as now calculated for the original area of the Preferred Site.
 3. The site should be worked as an extension to an existing operation only with access onto the A120, which will need improvement as part of any detailed scheme.
 4. A separate planning application on part of Site R was submitted in February 1995 as an extension to the ARC Ltd Site at Bradwell.

**Essex County Council
MINERALS LOCAL PLAN
Proposals Map**

Preferred areas for future
sand & gravel extraction
Policy MLP4 Schedule 1



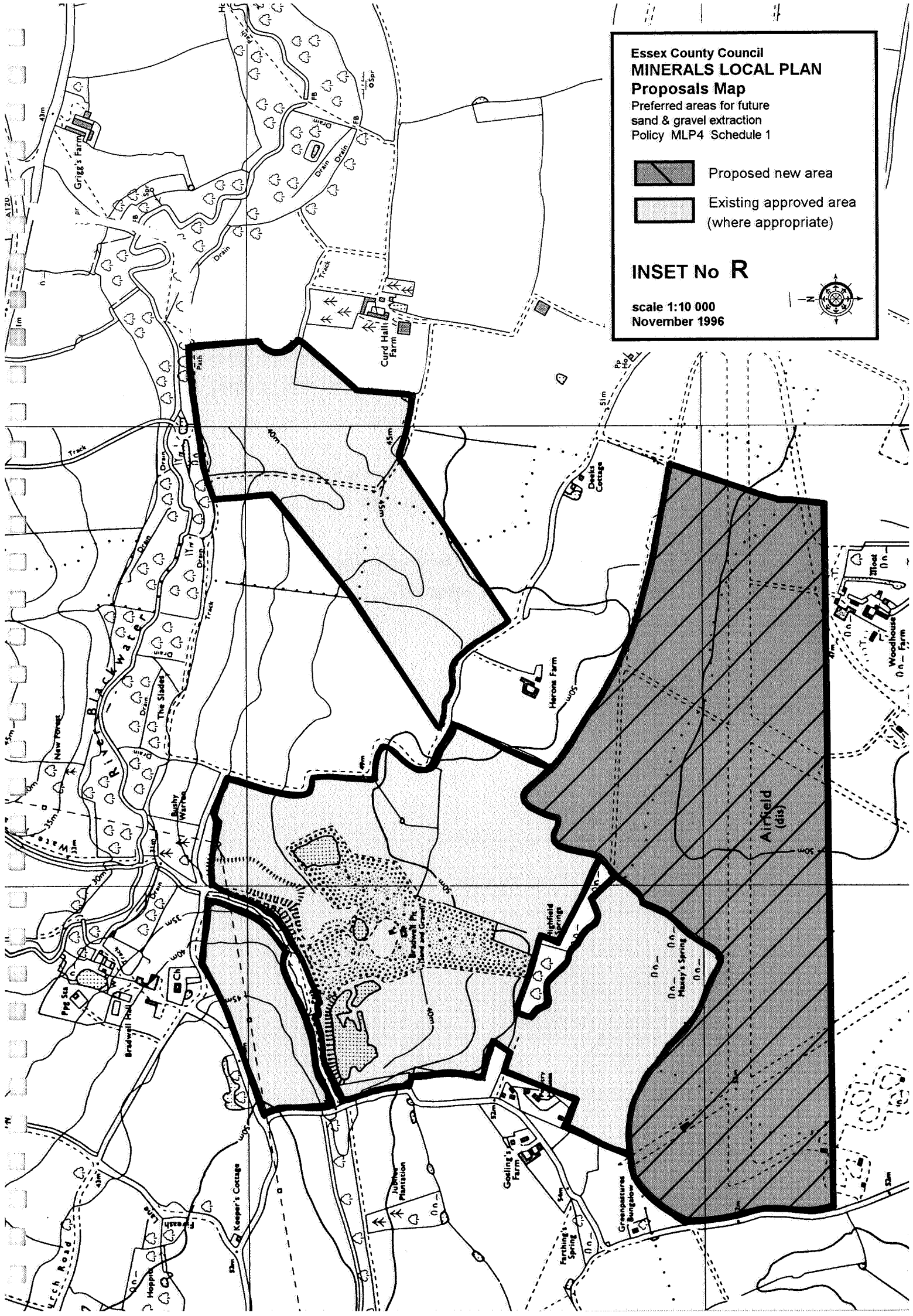
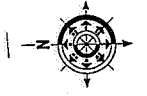
Proposed new area



Existing approved area
(where appropriate)

INSET No R

scale 1:10 000
November 1996



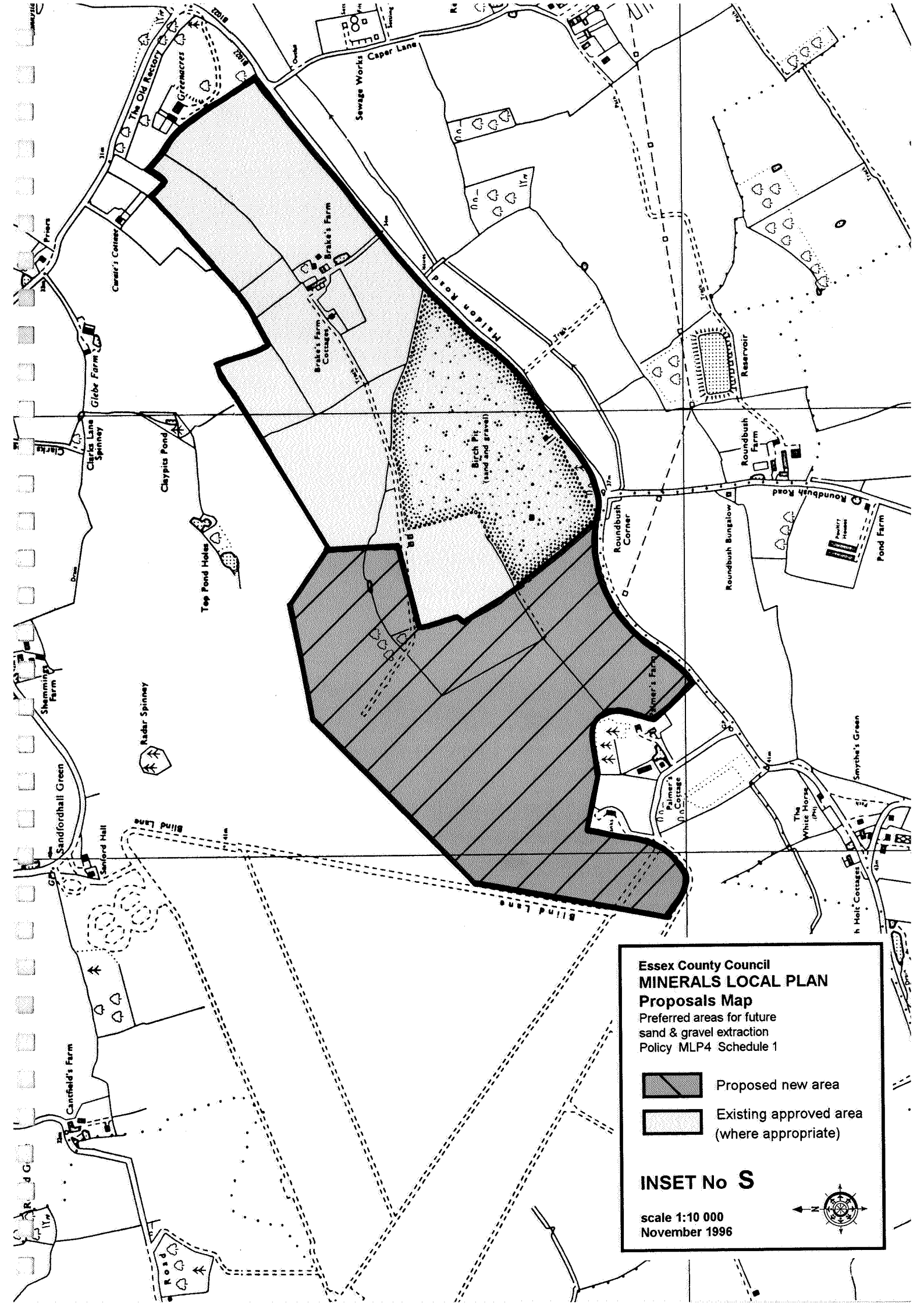
Site: S

Address: Birch


Yield: 7.73 mt

Area: 47.0 ha

- Notes:
1. A planning application for extraction from the Preferred Site, incorporating the existing consented site, was granted planning permission in May 1995.
 2. Access is onto the B1022 which is a principal County/Urban road. Lorry routeing should avoid Warren Lane, Stanway.
 3. Screening to the B1022 (and other roads) and protection of the adjoining listed building is required.

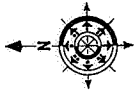


**Essex County Council
MINERALS LOCAL PLAN
Proposals Map**
Preferred areas for future
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Policy MLP4 Schedule 1

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(where appropriate)

INSET No S

scale 1:10 000
November 1996



Site: V

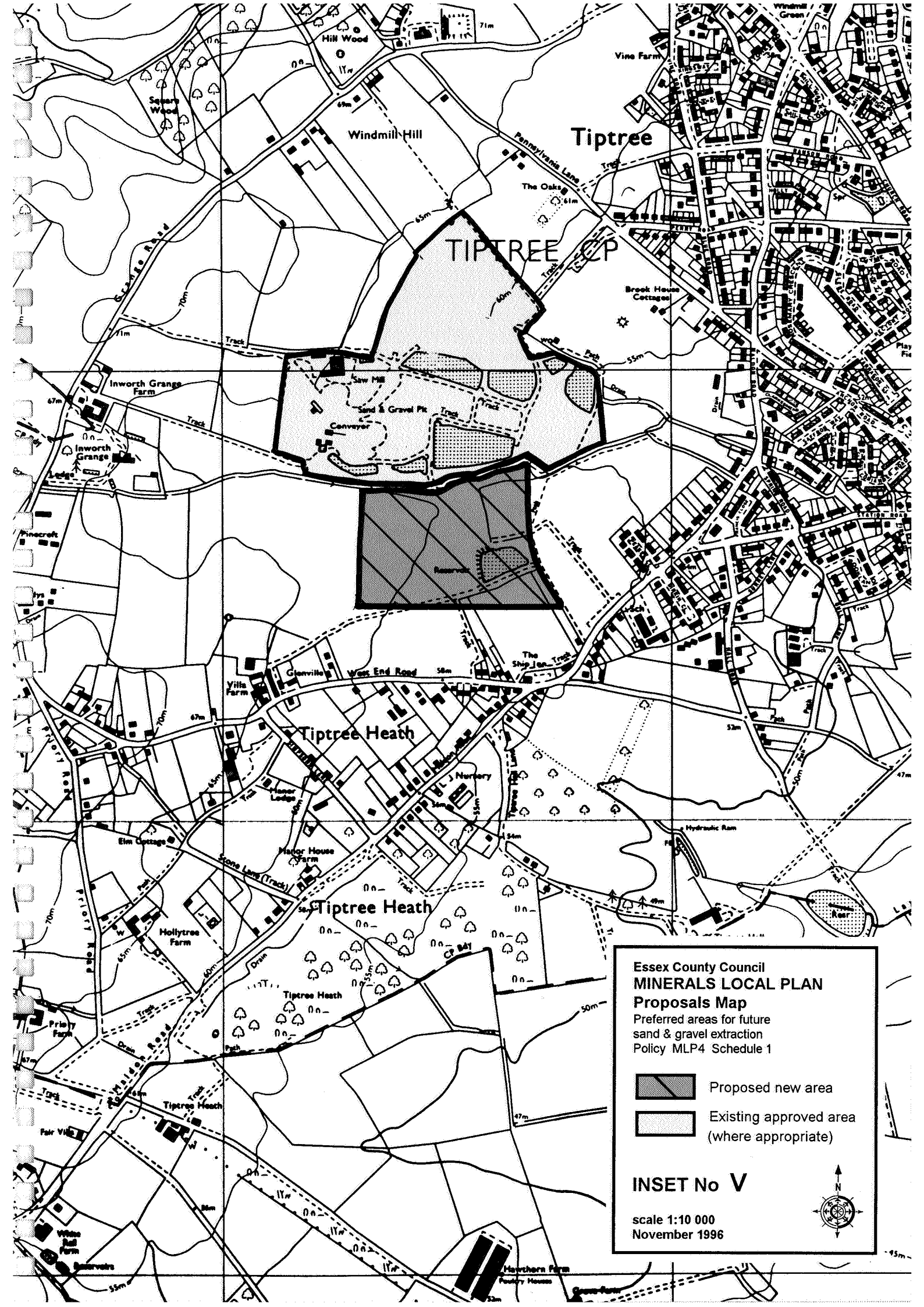
Address: Villa Farm, Tiptree

Yield: 0.60 mt

Area: 11.2 ha



Notes:

1. This would be an extension to an existing site.
2. Lorry routeing should ensure that vehicles access the site from the A12 Rivenhall junction.



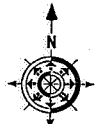
**Essex County Council
MINERALS LOCAL PLAN
Proposals Map**

Preferred areas for future
sand & gravel extraction
Policy MLP4 Schedule 1

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(where appropriate)

INSET No V

scale 1:10 000
November 1996



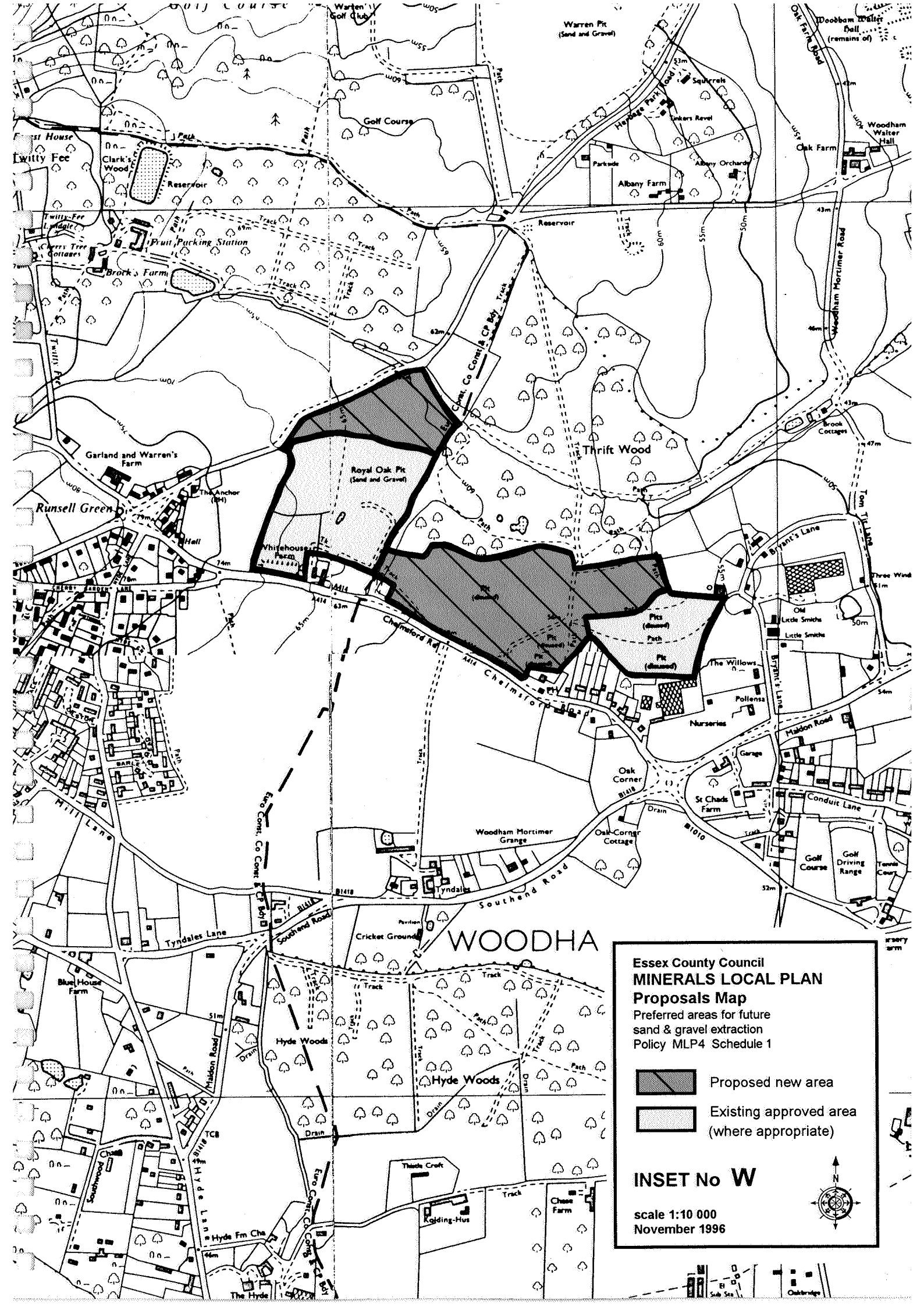
Site: W

Address: Royal Oak, Danbury



Yield: 1.11mt

Area: 16.1 ha

- Notes:
1. This is an extension to an existing site including deeper working of a consented area.
 2. Access is to the A414 a principal County/Urban road.
 3. Ameliorative measures, and a restriction on the extraction area are required to protect surrounding housing.

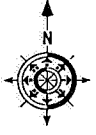


Essex County Council
MINERALS LOCAL PLAN
Proposals Map
 Preferred areas for future sand & gravel extraction
 Policy MLP4 Schedule 1

 Proposed new area
 Existing approved area (where appropriate)

INSET No W

scale 1:10 000
 November 1996



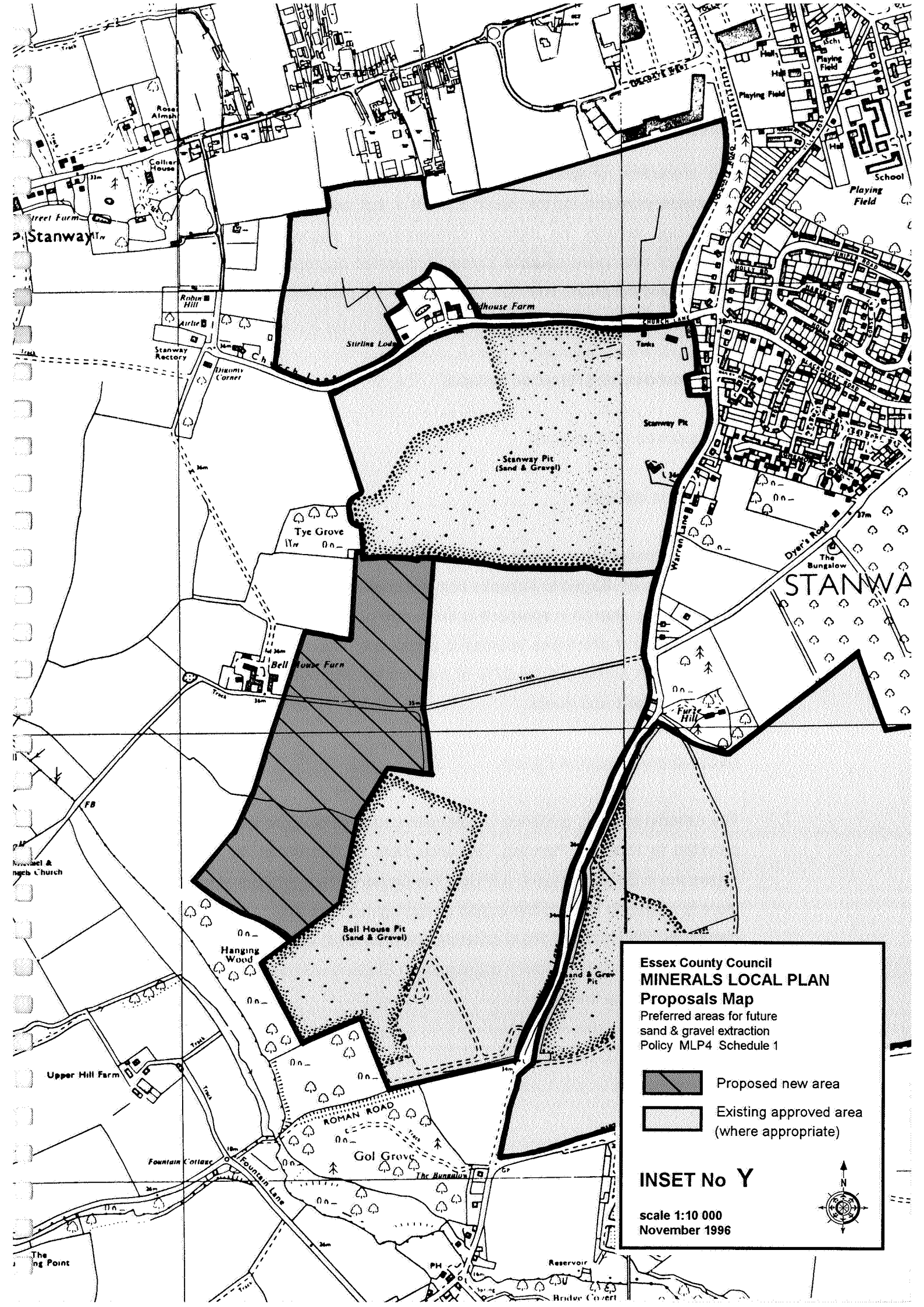
Site: Y

Address: Bellhouse Farm, Stanway

Yield: 1.33mt



Area: 24.0 ha

Notes: 1. Planning permission for mineral extraction was granted in July 1996 following completion of a Section 106 obligation.



**Essex County Council
MINERALS LOCAL PLAN
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Preferred areas for future
sand & gravel extraction
Policy MLP4 Schedule 1

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(where appropriate)

INSET No Y

scale 1:10 000
November 1996



7. ALTERNATIVE SOURCES OF AGGREGATE

7.1 The production of land won sand and gravel is the traditional source of aggregate provision for the South East. It is but one source available which contributes towards the regional consumption of aggregates. There are a number of alternative sources including imported aggregates and secondary and recycled materials. The main categories of alternative sources for the South East region are:

(i) Secondary and Recycled material.

(ii) Imported crushed rock.

(iii) Marine dredged.

7.2 The contribution that these alternative sources will make to aggregate provisions is envisaged to increase both nationally and regionally over the next 15 years. This change in approach to the supply of aggregates between primary aggregates and alternative sources is particularly relevant to the South East region, which accounted for 27% of the primary aggregates consumption in 1989 in England and Wales.

National and Regional Policy

7.3 The national planning guidance for alternative sources of aggregate provision is provided in Minerals Planning Guidance Note 6 "Guidelines for Aggregate Provisions in England" (1994) (MPG6). The Guidance recognises that nationally there is a need to develop the supply of aggregates from alternative sources to contribute to the forecast rise in consumption. This is set against recognition that the supply of land won primary aggregates in England will become increasingly constrained in the future.

7.4 Paragraph 24 of MPG6 states:

"The Government has therefore considered a number of alternative supply sources. These include marine dredged aggregates, coastal superquarries and secondary and recycled aggregates. And it has considered the views which have been expressed about the merits and availability of the alternative sources of supply. Whilst these alternative sources of supply may offer some environmental advantages, the Government recognises that they too have environmental implications which need to be considered. Furthermore for technical and economic reasons the availability of such materials may be restricted particularly in the early part of the period to which this Guidance Note applies."

7.5 Paragraph 25 of MPG6 states:

"Nevertheless, in order to meet the aims of this Guidance Note in a way which is consistent with the principles of sustainable development, the Government has concluded that a gradual change from the present supply approach is called for, so that over time less reliance will be placed on the traditional land won sources. The Government recognises that over the period of this Guidance Note a substantial proportion of aggregates demand will need to be met from the traditional sources. But alternatives are expected to make an increasing contribution to supply. So that options for future supply from alternative sources are not foreclosed by long term land won provision, the Government has concluded that provision should be made now for the period to 2006 only."

7.6 The Guidance further identifies its broad objective in paragraph 27 which is to reduce the proportion of supply from primary land won sources in England from 83% to 74% by 2001 and 68% by 2006. The emphasis on reducing the proportion of consumption of primary aggregates is of particular interest to the South East region, as the main consumer of aggregates in England.**7.7** The regional supply scenario for the South East continues from that established in the 1989 Guidance, in which the proportion of consumption will be increasingly met by sources other than local land won sand and gravel. Although the production of land won sand and gravel is to remain constant

within the Region its proportion of consumption will fall as regional consumption is expected to rise. Thus the shortfall between the production of local land won sources and consumption will be increasingly met by alternative sources.

- 7.8** The regional consumption (MPG6, A3.2) forecast for the region between 1992-2006 is 1270 mt or approximately 84.6 mtpa on average. The local land won sand and gravel will provide 31% (42% in 1989) and local crushed rock will contribute 2% (4% in 1989). The remaining 67% will be provided by alternative sources, principally from imports to the region (35%), marine dredged sand and gravel (20%) and 11% will be provided by Secondary and Recycled materials (see paragraph 4.16). The provision of the alternative sources of aggregates is not apportioned to the Counties, unlike that of land won sand and gravel which the Mineral Planning Authorities can directly plan and make provisions for. These are therefore regional figures, for which each Minerals Planning Authority should encourage these activities where acceptable and appropriate throughout the region. Provision also needs to be made to safeguard existing and potential rail depots and marine wharves which could contribute towards the regional provision of aggregates.

Secondary and Recycled Materials

- 7.9** The materials included under this alternative aggregate source are: mineral wastes; other industrial wastes e.g. pulverised fuel ash and blast furnace slag; waterways dredging; and recycled materials such as demolition arisings (e.g. crushed concrete) and asphalt road planings. Secondary and Recycled materials were estimated as contributing 10% of national aggregate consumption in 1989 (MPG6, paragraph 32), which was also assumed to be the contribution for the South East (MPG6, paragraph A3.1).
- 7.10** The policy towards alternative sources of aggregates has emphasised the contribution to be made by secondary and recycled materials. The previous MPG6 Guidance in 1989 estimated secondary materials to contribute 1.9 mtpa from 1991-2006, approximately 3% of consumption (plus an unspecified amount of recycled materials). The revised MPG6 (paragraph A3.5) guidance, however, forecasts secondary and recycled aggregates in the SE contributing an average of approximately 9.3 mtpa or 11% of consumption (1992-2006).

- 7.11 The emphasis given to secondary and recycled materials is based on Government research "Occurrence and Utilisation of Mineral Construction Wastes" (1991) which highlighted the potential contribution of these materials. This is recognised in MPG6 paragraph 33 where it states:

"But in keeping with the Government's commitment to a sustainable approach to the supply of aggregates it is in the national interest that aggregates, and products manufactured from aggregates, should be recycled wherever possible. It is also important that where they are technically, economically and environmentally acceptable as substitutes for primary materials, mineral and construction wastes should be used. This can afford considerable savings of raw materials and can reduce the areas worked for new materials as well as those used for the dumping of wastes. Government policy therefore is to encourage the use of secondary and recycled materials in construction and it is committed to increasing significantly the level of use."

- 7.12 Currently the main use for these materials is as low grade aggregates for "bulk fill", there is, however, potential for these materials to be increasingly used for other activities. The Government is currently researching the material specification requirements for certain activities including alternative fill for road schemes, which would raise the potential use of alternative materials.
- 7.13 The alternative uses of such materials would enable the Region to work towards the increase in use of secondary and recycled materials to that of the forecast provision. It is therefore necessary that each Minerals Planning Authority in the Region adopts a positive approach towards the provision of these recycling facilities, where environmentally acceptable.

Siting of Recycling Plants

- 7.14 The main secondary and recycled material with the greatest potential to contribute to the aggregates supply is demolition and construction wastes. It is these recycling operations for which policies are required to ensure they are sited in suitable locations. Other forms of recycling are not referred to here, but will be addressed in the Essex Waste Plan.

7.15 These recycling plants are by their very nature industrial operations, involving the processing of demolition and construction waste, with inherent noise and dust problems as well as vehicle movements. Such operations should normally be located on industrial estates but are not always welcome there. Plants may be acceptable on minerals working sites or waste sites, subject to environmental and highway considerations, where they are an ancillary operation which will not extend the life of the main site.

(i) Industrial Estates

These are deemed appropriate locations which have been designed for a variety of industrial uses and to accommodate large goods vehicles and the level of environmental disturbances which would be unacceptable within a residential area. Industrial Estates are normally located with a good road network and on the edge of urban areas, as such would be a good location for an aggregate recycling plant both near the source of materials and potential market.

Conditions applied to recycling plant proposal would depend upon the size and nature of the development proposed surrounding land uses and the level of environmental impact including: access; traffic movements; noise; dust control and hours of operation.

(ii) Mineral Workings/Waste Disposal Sites

The location of an aggregate recycling plant (such as a concrete crusher) may be suitably located within a working mineral and waste site provided that its permitted life is conditioned into the same timescale. Such an activity would not be too dissimilar to that of a primary aggregate processing plant, although the process will involve concrete crushing in addition to grading the material. Thus the activities involved should be compatible with the existing working site and not create any additional environmental concerns to those of the minerals and waste operation. In addition all recycling plant and associated buildings and structures will be required to be cleared from the site within the same permitted timescale as the main permission under which the site operates. This shall be in accordance with Policy MLP5 and other Mineral Local Plan policies and Structure Plan policy NR32 concerning ancillary development (Appendix 1).

POLICY MLP5

PROPOSALS FOR AGGREGATE RECYCLING PLANTS WILL BE CONSIDERED ON MERIT. LOCATIONS IN INDUSTRIAL AREAS AND MINERAL WORKINGS AND WASTE DISPOSAL SITES MAY BE APPROPRIATE PROVIDED THAT, IN EACH CASE, THE USE WILL NOT CAUSE UNACCEPTABLE ENVIRONMENTAL AND TRAFFIC PROBLEMS. SUCH PLANT ON MINERAL WORKINGS AND WASTE DISPOSAL SITES SHALL BE REMOVED WITHIN THE TIMESCALE ALREADY PERMITTED FOR THE MAIN OPERATION OF THE SITE.

Crushed Rock Imports

7.16 The importation of crushed rock is an alternative aggregate source in addition to local secondary and recycled materials. The production of local crushed rock is relatively small within the region, contributing only 4% of consumption in 1989, and is forecast to provide 2% of consumption between 1992-2006, approximately 2 mtpa. In comparison imported crushed rock supplied 24% of the region's consumption in 1989, with land won sand and gravel contributing 42%, and was the largest source of aggregate. Crushed rock can be used for concrete production; much of the concrete in the Channel Tunnel construction utilised crushed rock.

7.17 The contribution to consumption met by imported crushed rock has increased within the region and is anticipated to continue to do so whether supplied from other regions in England or areas outside England. The forecast contribution set out in MPG6 for the period 1992 to 2006 is the following:

300mt	from regions within England
5mt	from Wales
<u>145mt</u>	from outside England & Wales
450mt	total

(paragraphs A3, 4-5, see 4.16 above)

7.18 The overall supply strategy for the South East region is for imported crushed rock to make an increasing contribution to the Region's consumption of aggregates. The two principal methods of achieving this are importation by rail or sea. The Mineral Planning Authorities in the Region through the South East Regional Aggregate Working Party recognise their role in identifying and encouraging railheads and wharves for aggregate imports to the region. The safeguarding of these marine wharves and rail depots which may be needed for importation of aggregates is recognised in MPG6 paragraph 67. This is a Regional requirement which may be more applicable to certain counties than others. However, all MPAs need to encourage material importation facilities and make policies for rail depots and/or marine wharves.

Rail Depots

7.19 Proposed imports to the Region from other parts of England and Wales are likely to be 305mt (1992-2006) - see 7.17 above, this is an average of 20mtpa. In 1989 10.1mt of aggregate was imported to the Region by rail and some 11mt by road, rail imports fell to 8.2mt in 1991 (SERAWP 205, Table 9). A separate regional aggregates report in 1991 identified the capacity and potential of rail depots (and marine wharves). The estimated capacity for 1989 was 15.7mt rising to 17.5mt in 1991 (SERAWP 174, Table 1). The future capacity for 1996 was recognised at 16.6mt without major investment or 27.2mt with major investment. A portion of the 305mt is likely to continue to be imported by road. If there were to be additional rail importation there is potential capacity to accommodate even a substantial increase.

7.20 The main sources of aggregate from English regions have been and will continue to be the South West and East Midlands. The dominant source for rail imports in 1989 was the South West (80% of all imports from English regions) with the East Midlands supplying 18%. This changed slightly in 1992 to 75% and 25% respectively (SERAWP 205 table 9). These two regions will continue to be the main source of aggregate supplied to the South East over the MPG6 forecast period (MPG6 paragraphs A 5.3 and A 7.3).

7.21 The southern and western parts of the Region and London have been the main recipient of the rail imports from the South West and East Midlands. It would therefore be reasonable to assume these areas will continue to receive a majority of rail borne imports. There should however, be scope to promote rail depots as distribution points throughout the Region given the regional rail infrastructure. These rail depots should ideally have good access to the principal road network for further distribution.

Site Consideration

7.22 Most railway sidings have the potential to be used for the temporary storage and distribution of aggregates imported by rail. However there are a number of site considerations which would need to be addressed. These considerations would include: the size of the site and the operations involved as well as the site's capacity and any intended ancillary buildings and processes erected. The nature of the activity could vary quite considerably. For instance the site may only contain storage bays to be filled by self discharging trains and the site may involve a number of activities including processing or mixing the aggregates. In addition to the size of the operation, consideration shall be had to the overall environmental impact of the operation with regards to onward movement by road, regarding good road access, the number of vehicle movements involved as well as any noise and dust problems that may arise.

7.23 This Authority supports the use of rail importation and will endeavour to maintain existing rail depots used for importation of materials and to encourage the use of other potential rail sidings for this purpose at an appropriate scale where economically and environmentally acceptable. Although it is anticipated that the need for improvements to the aggregate rail distribution network will be concentrated in London and the southern and western parts of the Region.

7.24 Within the County there are three major rail depots used for transporting aggregates (see Schedule 2). However Harlow Mill is predominantly used for importation whilst Marks Tey is mainly used for exportation and Purfleet is a combined marine and rail depot. Whilst only one new depot for potential rail importation is listed in Schedule 2, many locations around goods yards may be used on a smaller scale for the importation of aggregates to the County.

POLICY MLP6

THE MINERAL PLANNING AUTHORITY WILL ENCOURAGE THE PROVISION OF RAIL DEPOTS FOR MINERAL IMPORTATION AND DISTRIBUTION AND SEEK TO PROTECT EXISTING SITES SHOWN IN SCHEDULE 2. THE SITE MUST BE SUITABLE IN TERMS OF ENVIRONMENTAL IMPACT AND IN COMPLIANCE WITH POLICY MLP3 OF THIS PLAN.

Marine Wharves

- 7.25 As indicated above, the regional supply strategy is to increase the proportion of aggregates supplied from outside the Region and in particular from outside England and Wales. The supply of aggregates from outside England and Wales is anticipated to come from coastal superquarries and thus imported to the region by sea. The main coastal superquarry sources identified by MPG6 are in Scotland and North West Europe which are each capable of producing at least 5mtpa (MPG6 paragraph 42).
- 7.26 The potential of these superquarries to supply aggregates to the Region has been researched by the Government and the need to safeguard marine wharves and identify additional potential wharf facilities. When referring to marine wharves the MPA extends this reference to incorporate all types of wharves whether river or estuarine. The potential for superquarries to supply the Region with aggregates is highlighted in paragraph 44 of MPG6 which states:

"The Government believes that subject to tests of environmental acceptability an increasing level of supply can be obtained from coastal superquarries during the period covered by this Guidance Note. It recognises that the cost and long lead times needed before such quarries can be brought on stream mean that it is difficult to quantify the extent of this contribution which, in any event, will be determined by the market. It is unlikely, however, that the potential sources will contribute greatly to the demand in the first 10 years of these Guidelines. Initially the region most likely to use this source is South East England."

- 7.27 Thus great emphasis is given to this alternative aggregate source to supply the Region as a whole. It is therefore necessary that those Authorities most likely to be affected by these activities (all coastal counties in the Region) will need to plan for the development of these activities. This was also identified in the MPG6 paragraph 47 which states:

“Research has identified a number of potential landing areas in the Thames Estuary. Not all will become available and other alternative sites may emerge. Local planning authorities should, jointly or individually, make every effort to identify and safeguard in their development plans suitable locations for these facilities. Proposals in the Thames Estuary will need to be consistent with the East Thames Corridor Initiative.”

- 7.28 The requirements for Mineral Planning Authorities to make provisions for marine wharves is also identified in RPG9 “Regional Planning Guidance for the South East” (1994), which stated the following in paragraph 4.46 regarding aggregate importation:

“The South East relies on imports of construction aggregates, mostly crushed rock, to provide almost a quarter of its present needs. An additional 20% of the Region’s aggregates demand is met from landings of marine dredged sand and gravel. Mineral planning authorities should, jointly or individually in their development plans, make every effort to identify, safeguard and, where appropriate, make provision for suitable locations for marine wharves to receive imported and marine dredged aggregates. Suitable locations will be those where there are no unacceptable environmental impacts and where any prejudicial effects on other land uses or development opportunities can be minimised. This provision, wherever possible, should be based on rail transport from the landing point to centres as close as possible to the final destination. Only exceptionally, where surplus highway capacity exists, should long distance road haulage be countenanced. This will be of particular importance in relation to aggregates imported from coastal superquarries outside the South East.”

7.29 As stated in paragraph 7.17, 145mt of crushed rock (from outside England and Wales) are anticipated to be imported to the region between 1992-2006 (an average of 9.6mtpa), however, this supply is not expected to make a substantial contribution until after the year 2000 (see 7.26 above). Therefore the future anticipated level of aggregate imports by sea can be expected to be far higher than the 15 year average of 9.6mtpa. This increase in imports by sea to supply the South East market are far greater than the anticipated imports in the previous MPG6 of 7mtpa by 2006. However, all aggregate imports by sea to the Region were 4.1mtpa in 1993 (SERAWP 210, December 1994) , which suggests a major investment would be required into marine wharf facilities, if this source of aggregate is to be developed. There are a number of wharfing facilities around the South East coast although not all will be suitable for importation of coastal superquarry aggregates, as the capacity of the sites may be limited. The coastal Mineral Planning Authorities are therefore required to safeguard those suitable marine wharves and identify potential sites for large scale aggregate importation. Non-aggregate land-uses and marine terminals will compete for suitable aggregate berths and potential development sites. Aggregates are a high bulk, low value commodity, and the land prices that can be supported are much lower than for other land-uses and other cargoes. It is for this reason that this Plan seeks to safeguard appropriate sites for minerals handling.

7.30 The potential of superquarries supplying the South East and the identification of the number of sites and potential site requirements has been undertaken in two Government research reports. These reports are:

- Coastal Superquarries to supply South East Aggregate Requirements (1992)
- Coastal Superquarries: Options for Wharf facilities in the Lower Thames (1994)

7.31 The 1992 Report predominantly addressed the feasibility of this source of aggregate including identifying a number of port facilities within the Region. The 1994 Report developed the first reports research on wharf facilities, concentrating on the Lower Thames. As a result of these Reports, the main factors for identifying potential superquarry wharves are stated in paragraph 46 of MPG6:

“The facilities needed for the unloading, processing and onward shipment of large volumes of imported material will need to be the subject of a very thorough examination. To accommodate such facilities, sites are likely to cover a minimum of 5ha but are more likely to cover 8ha or more; they may need to handle an annual throughput of 3.5mt. Such sites will need to provide adequate suitable storage space and it is likely they will need to have, or be adjacent to, water access which can accommodate ships of between 35,000-70,000 dead-weight tonnage (dwt). Road access should be available, or capable of provision, which minimises the effect on environmentally sensitive land areas and communities, and with the shortest feasible distance to the primary road network. It will be important to ensure that facilities for onward transport of aggregates by rail and barge are provided where feasible and that these are used to the maximum economic extent.”

7.32 In addition to the requirements for a large marine wharf, MPG6 specifically refers to the Thames Estuary as having potential for a number of landings (see 7.27 above). This has been based upon the research reports, although little reference is given to potential sites other than those in the Lower Thames.

7.33 The implications of the two research reports and the development of superquarry marine wharves in the South East is a concentration of wharves around the Lower Thames. However, the 1992 Report did explore other potential options which included Harwich in Essex as well as Southampton in Hampshire. Overall the development of these wharves is more likely to be concentrated on the Thames estuary, which will have a number of implications for Essex, including safeguarding sites and considering the overall impact of the concentration of proposed wharves.

7.34 The potential number of wharves required is not identified in MPG6, except by reference to the forecast supply to 2006, most of which will be imported towards the end of the period. The only other guidance available is that of the 1994 Lower Thames report. This recognises that 3 combined marine wharves and rail depots with the capacity to receive up to 3.5mtpa each already exist in the Thames estuary, two of these sites are within Essex: Purfleet (Foster Yeoman) and West Thurrock Terminal, (Redlands Aggregates), which are identified in Schedule 2. The Report seeks to quantify the number of wharves required to accord with MPG6. It states the following on page 4, 2nd paragraph:

“Accordingly, a maximum of about five new sites might be needed along the Thames by the year 2006 and seven by 2011 (ten less the existing three, and allowing for Southampton and Harwich). Under the MPG6 scenario (and its extension to 2011 by the Consultants) only three new sites by 2006 and five by 2011 would be needed, allowing for Southampton and Harwich...”

7.35 The 1994 Report goes further than MPG6, recognising that other factors, such as lower imports from Wales and a lack of growth of secondary aggregates supply, may lead to more wharves being required. The Report identifies the number of sites required in the Thames, in addition to Southampton and Harwich (see quote above). Within the Thames, a total of 5 new wharves by 2006 and 7 by 2011 (i.e. another two) are required. This is in addition to the existing 3 wharves within the Thames, two of which are within Essex. The 1994 Report identifies 13 potential sites for primary wharves, from which 7 could be selected. For the Plan period up to 2004 the Plan proposes 3 new primary wharves (Thames Matex, Tilbury Power Station and West Thurrock Power Station) on the Thames within Essex. The Kent Minerals Local Plan, Construction Aggregates (adopted December 1993) proposes 4 primary wharves on the Thames (Kent side). The need to identify further sites for wharf safeguarding (e.g. the Occidental Wharf on Canvey Island) will be dealt with at the next review.

7.36 Schedule 2 identifies the 3 potential marine wharves for the importation of aggregates from superquarries as indicated in the 1994 Report. In addition the existing port areas of Harwich Harbour and Port of Tilbury (Schedule 2a) are encouraged to be available to import materials. Both Ports can assist in serving

the Essex and London markets with imported and marine dredged material. It is important that existing facilities are protected, and not removed by other forms of development, as may be encouraged in other Local Plans. In his Report the Review Plan Inspector considered it would be prudent to safeguard a 9.3 ha area known as the Occidental site at Canvey Island, to provide choice of potential aggregate wharves and to ensure the Government's aim of greater dependence on superquarry imports, particularly in the South East is not unduly frustrated. This was subject to a proviso that satisfactory road access could be obtained via the proposed link to the A130, with lorry movements confined to the level that the A130 could accommodate. Furthermore to a condition that transshipment would be mainly by water-based modes of transport. However, as noted by the Inspector this site lies within an area proposed as a Green Lung and Green Belt in the Draft Castle Point Borough Local Plan.

7.37 Accordingly very special circumstances would need to be demonstrated before the site could be considered appropriate as a marine wharf. This Authority supports the development of marine wharves where economically and environmentally appropriate. However, consistency between the two Local Plans is clearly essential and it is therefore considered premature to allocate this specific site for safeguarding at this time. This Authority will review the acceptability of this site in the next review of this Plan which will need to fully take into account the designations of the adopted Borough Local Plan.

7.38 Development of these facilities is not envisaged until the latter part of the timescale of the Review/Plan. The sites are listed to assist identification of potential sites which need to be safeguarded in advance.

Grant Assistance

7.39 In order that importation facilities for crushed rock to be developed whether rail borne or sea borne regard needs to be had to the cost of developing the infrastructure. MPG6 makes allowance for this with reference to the grants available for the transportation of freight by rail or inland waterway in paragraph 95 which states:

"The aggregates industry should keep in mind that grants continue to be available from the DoT to assist towards the capital cost of constructing rail freight facilities. Grants under section 8 of the Railways Act 1974 have, in the past, been used effectively to reduce the movement of aggregates by road. From 1 April 1994 these grants will be enhanced under the powers in section 139 of the Railways Act 1993: Similarly, the former Transport Act, section 36 grants (for movement of freight by inland waterway) will be replaced by grants under section 140 of the 1993 Act. The main change is the inclusion of wider and social benefits of lorry removal through the addition of motorways and dual carriageway trunk roads in environmental assessments. Both types of grant can be used for the movement of secondary aggregates. This may help to overcome one constraint on the utilisation of waste materials as they are often located at considerable distance from centres of demand. Additional assistance will also be available from 1 April 1994 with the introduction of a new Track Access Grant to assist rail freight operators in meeting charges levied by Railtrack for access to the track. This may help aggregates producers contracting for rail haulage where the cost of rail would otherwise be unfavourable when compared with road transport. The grant will be administered centrally by the DoT."

- 7.40 The railway grants will be predominantly applicable to the development of marine wharves for which there is a preference to onward distribution by rail rather than road in Essex. These grants may therefore provide some assistance to the development of new wharves and grant applications will be supported by the MPA where appropriate.
- 7.41 Potential developers are encouraged to enter into early discussions with Essex County Council when considering developments for minerals importation by rail or water. The Council wishes to discourage movement of aggregates by road where possible and will provide appropriate support in the preparation of bids for Freight Facilities Grant. The Port of London Authority can also give advice.

Marine Dredged Aggregates

7.42 The supply of marine dredged aggregates is an alternative aggregate source for the Region in addition to imported crushed rock and secondary and recycled materials. The supply of marine dredged aggregates involves the transportation of raw aggregate from the point of extraction on the sea bed to a coastal or riverside depot for processing and distribution. In 1989 marine dredged aggregates were the second largest alternative aggregate source after imported crushed rock, supplying 18% of the region's consumption in 1989 and was the third largest supply source overall in the Region (see 4.16 above).

7.43 The contribution to consumption from marine dredged sources increased in the region to 1989, which peaked with landings of 19.4 (although 3.9mt went directly to the Channel Tunnel construction). Since 1989 the supply of marine dredged sources has fallen to 8.5mt in 1993, reflecting the recession in the construction industry. However, the forecast contribution of these materials is to remain high, supplying some 20% (260mt in total at an average of 17.3 mtpa) of the region's consumption. In a 1991 SERAWP survey (SERAWP 174) of rail depots and marine wharves identified marine wharves of having a throughput of 22.8mt in 1989 with an estimated capacity up to 28.7mt. Although the throughput included other imported aggregates it indicated the potential in marine wharf capacity throughout the region to accommodate the forecast levels of marine-dredged material.

The forecast supply of marine-dredged aggregates has two implications for the region these are:

- The source of the aggregates
- The landing of the aggregates

The source of the aggregates

- 7.44 Marine dredged aggregates are extracted from the sea bed around the coast and transported back to marine wharves to be processed ready for the market. The extraction of the aggregates requires a licence from the Crown Estates as the owner of the mineral rights. However, the licence is subject to conditions imposed by the Government View procedure which effectively assesses the proposal. With regard to the Government View procedure, paragraph 49 of MPG6 recognises the environmental impacts of marine dredging, which states:

“However the Government acknowledges that dredging may cause disturbance to fisheries and damage to the marine environment, particularly where there is a concentration of licences. In areas of special sensitivity the industry will need to provide a very convincing case before a licence will be permitted. Proposals to dredge must therefore have full regard to the impact on the marine environment, sea fisheries and the potential effects on the coastline. There is a presumption against extraction unless the environmental and coastal impact issues are satisfactorily resolved. The dredging industry will find it helpful to produce a formal Environmental Statement to support most applications for a production licence. The Ministry of Agriculture Fisheries and Food (MAFF) has issued guidance on the content of environmental assessments for marine dredging.”

- 7.45 MPG6 in paragraph 50 goes on to state the role between the Crown Estate licence and the Government View procedure and includes the basis for determination of the application.

“Licences to dredge marine aggregates are subject to Government View procedure, operated by the DoE. This process allows for a careful evaluation of the environmental impact of dredging. Licences for extraction will not be granted by the Crown Estate, as owners of the resource, unless there has been a favourable Government View. The Government is currently undertaking a review of marine aggregate licensing arrangements and will be consulting on how regulatory controls should be applied in future. All applications will continue to be considered on their merits and will be subject to assessment against the following matters:

- i. the contribution to aggregates supplies enabled by the application;*
- ii. the effect on coastal interests;*
- iii. the effect on commercial fisheries;*
- iv. the effect on marine ecosystems;*
- v. the effect on navigation;*
- vi. the effect on archaeological sites; and*
- vii. the effects on other sea users.”*

7.46 The current review of the View procedure is intended to improve the system and overcome a number of current concerns including:

- possible conflict between the roles of Crown Estates acting as landowner and the quasi planning authority;
- insufficient regard to environmental effects;
- lack of right of appeal/challenge against the decision;
- length of time to determine the application.

7.47 The present Government View procedure is a non-statutory procedure to assess applications to the Crown Estate. There are a number of proposals to improve the system, which are cited in a Government consultation paper “Review of Licensing Arrangements for Minerals Dredging in England and Wales 1994”, including a possible statutory system adapting the Town and Country Planning Act procedures and administered by the Government. This Authority would welcome such a procedure in which more regard may be had to the environmental implications of marine-dredging. Also the introduction of a statutory system would have advantages in terms of the due process and certainty for the industry and interested parties.

The Landing of Marine Dredged Materials

7.48 This is the second phase of the marine dredged aggregates process, involving marine wharves to land the material and to process it ready for market. As it is the second phase it is essential that sufficient facilities exist in order to achieve the forecast consumption requirements specified in MPG6. It is therefore essential that all coastal and riverside MPA's in the Region recognise their role in retaining existing facilities. The need for MPA's to retain and safeguard appropriate sites for landing marine dredged material is recognised in MPG6 paragraph 51 which states:

"To meet the policy of developing marine aggregates supplies local planning authorities where appropriate should, jointly or individually, make every effort to identify and safeguard, in their local plans, suitable locations for aggregates wharves. Efforts should also be made to retain or improve existing facilities where these are environmentally acceptable and serve, or have potential for, a useful function."

7.49 The requirements to safeguard these sites are similar to those of marine wharves for importing aggregates as marine wharves are under increasing development pressure. Thus the need to safeguard these sites is also specified in RPG9 (see 7.28 above) which also includes MPA's having regard to the onward distribution of these materials.

7.50 There are a number of coastal and riverside marine wharves suitable for receiving marine dredged aggregates throughout the Region. There are three areas in which landings are currently made, these are: London and Thames Estuary; East Kent and Sussex; and Hampshire ports. Landings of marine dredged aggregates in London and the Thames Estuary were 9.8mt in 1989. There is only one marine wharf landing marine dredged material in Essex, this is the Civil and Marine Site in Purfleet (see Schedule 2 site 4). It is therefore essential that this site in Essex is retained for this purpose, in line with MPG6 paragraph 51.

- 7.51 With regard to safeguarding potential sites, a number of the smaller marine wharves identified in Schedule 2 (primarily for receiving imported aggregates) may be suitable for landing marine dredged aggregates. The proposals maps in Schedule 2 broadly indicate the areas under the control of the current landowner or operator and not the area required to enable marine dredged aggregates to be landed.
- 7.52 This Authority supports the use of marine dredged aggregates and the development of marine wharves for the purpose of landing marine dredged aggregates, where economically and environmentally appropriate.
- 7.53 Policy MLP7 relates to marine wharves for either normal importation of aggregates or for the landing of marine dredged aggregate. With regard to the environmental impact on the surrounding area, particular attention will be given to potential dust problems.

POLICY MLP7

THE MINERAL PLANNING AUTHORITY WILL ENCOURAGE THE PROVISION OF MARINE WHARVES FOR MINERAL IMPORTATION OR FOR LANDING OF MARINE DREDGED AGGREGATES SUBJECT TO CONSIDERATION OF THE ENVIRONMENTAL IMPACT ON THE SURROUNDING AREA. THERE WILL BE A PRESUMPTION IN FAVOUR OF ONWARD DISTRIBUTION BY RAIL AND BARGE. ANY ROAD ACCESS SHALL BE IN ACCORDANCE WITH POLICY MLP3 OF THIS PLAN. THE SITES SHOWN IN SCHEDULE 2 SHALL BE SAFEGUARDED FOR THE IMPORTATION OF AGGREGATES EITHER MARINE DREDGED OR FROM OTHER SOURCES, SITES SHOWN IN SCHEDULE 2A ARE ENCOURAGED TO PROVIDE AGGREGATE WHARVES. CHANGES TO OTHER CARGOES AT EXISTING AGGREGATES TERMINALS WILL BE DISCOURAGED BY THE COUNTY COUNCIL.



SCHEDULE 2**EXISTING AND POTENTIAL RAIL AND MARINE DEPOTS**

Reference number relates to site/location map and comments

Existing Rail Depots (Policy MLP6)

1. Harlow Mill Station (Harlow) - Foster Yeoman
2. Marks Tey (Colchester) - Tarmac

Potential Rail Sidings (Policy MLP6)

3. Chelmsford Rail Sidings

Existing Marine Wharves (Policy MLP7)

4. Purfleet Wharf (Thurrock) - Civil & Marine
5. Gibbs Wharf (Thurrock) - Maxwells

Potential Marine Wharves (Policy MLP7)

6. Thames Matex Site (Thurrock)
7. West Thurrock Power Station (Thurrock)
8. Wouldham Works (Thurrock)
9. Tilbury Power Station (Thurrock)

Existing Combined Rail Depot and Wharf (Policy MLP7)

10. Purfleet (Thurrock) - Foster Yeoman
11. West Thurrock (Thurrock) - Redland Aggregates

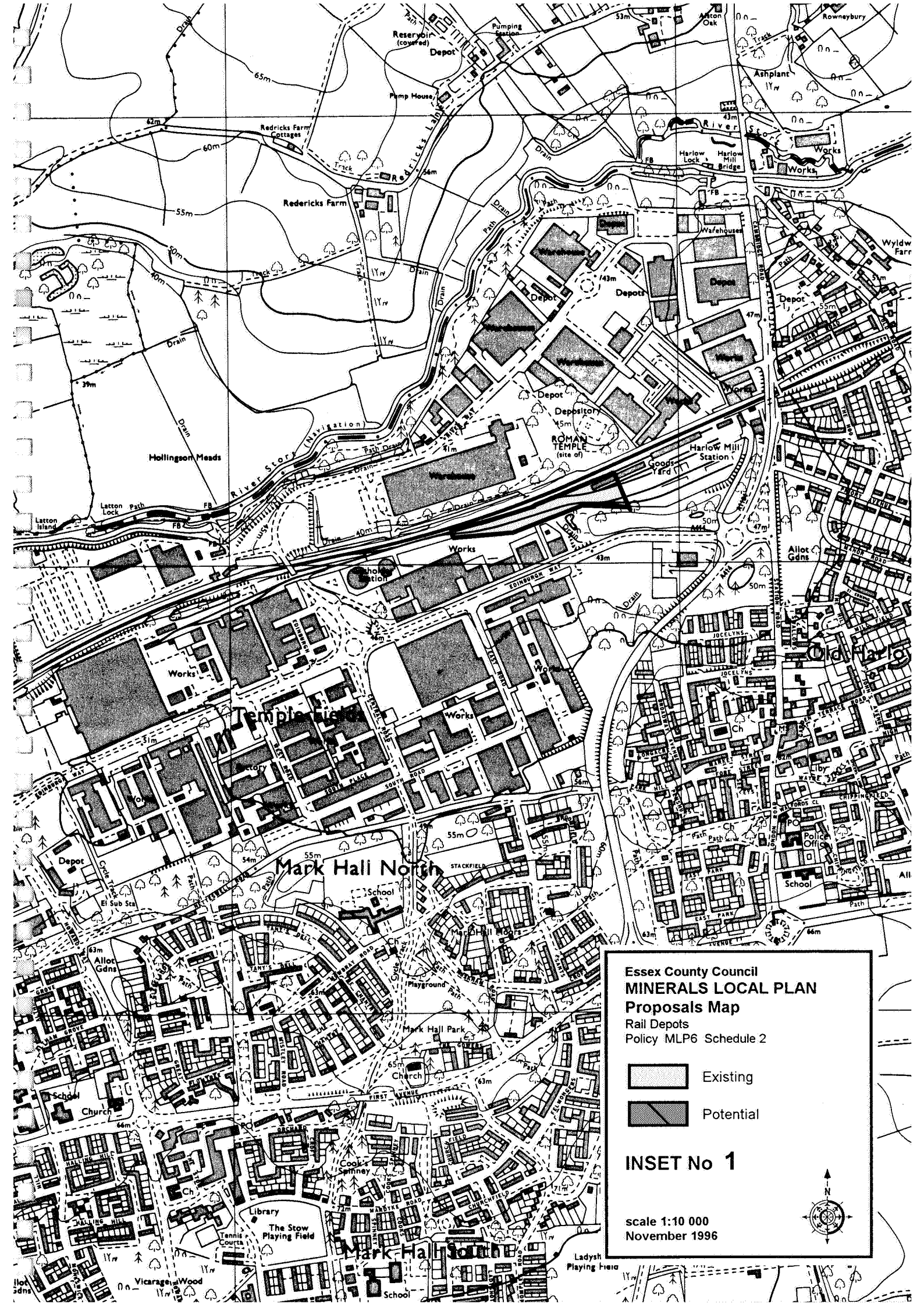
SITE: 1

ADDRESS: Harlow Mill Station, Harlow

AREA: 1.9 ha



NOTES

1. Railway sidings have been in use as an aggregate depot since 1983. In 1989 the site gained planning permission for ready mix concrete plant which has now expired. The site is located within an industrial area but has no specific allocation in the draft Local Plan.
2. A new site has now been permitted within the railway yard, (subject to completion of a Section 106 Agreement), and is shown on the attached map.



**Essex County Council
MINERALS LOCAL PLAN
Proposals Map**

Rail Depots
Policy MLP6 Schedule 2

-  Existing
-  Potential

INSET No 1

scale 1:10 000
November 1996



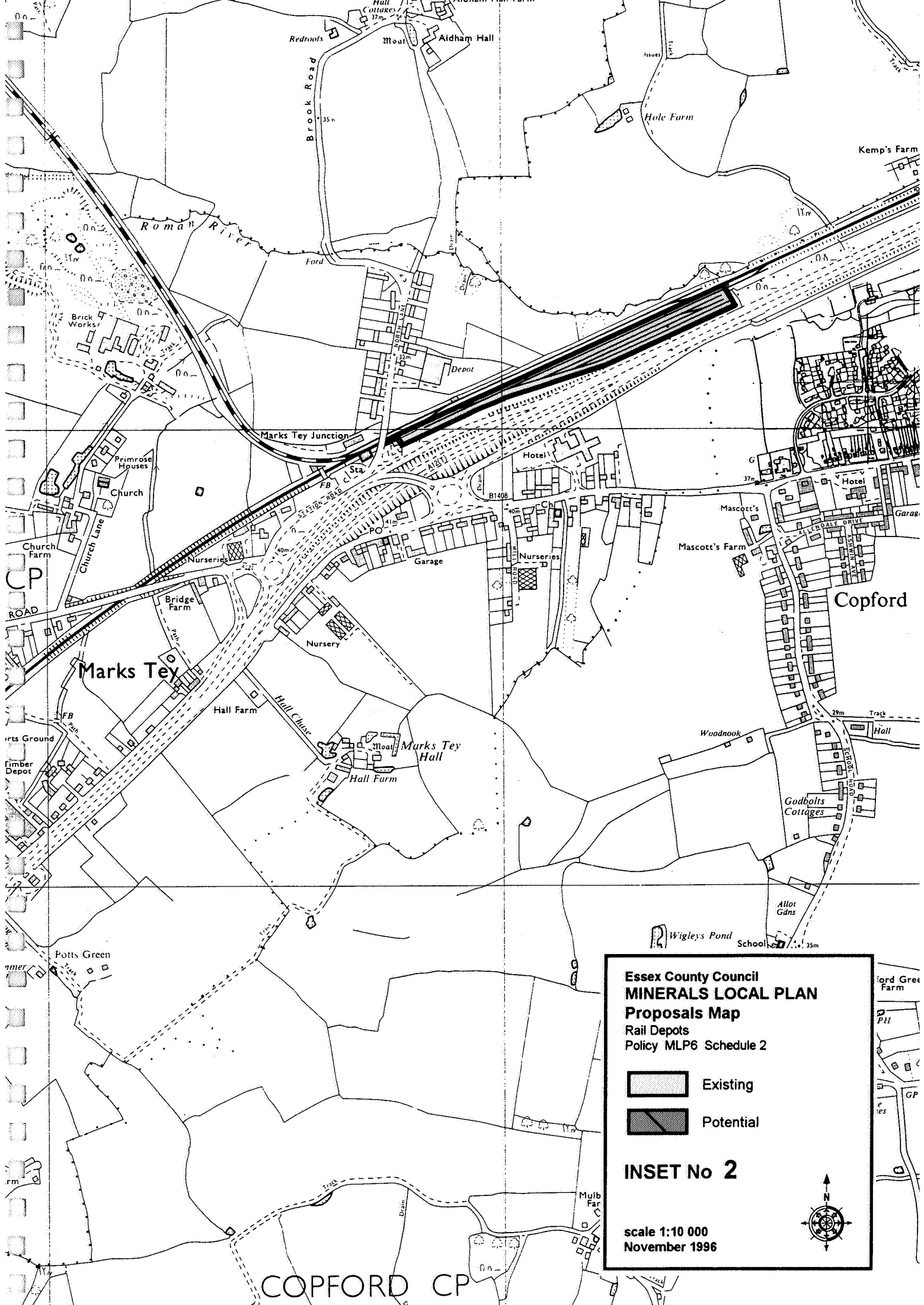
SITE: 2

ADDRESS: Marks Tey, Colchester

AREA: 0.3 ha

NOTES:

1. Land including sidings is leased by Tarmac Roadstone and used for the loading of sand and aggregates from their Stanway workings onto railway wagons for transport to London. Site comprises of little more than access road, sidings with some limited aggregate area.
2. Access is from Station Road which connects to the A120 and the site reasonably well screened.




**Essex County Council
MINERALS LOCAL PLAN
Proposals Map
Rail Depots
Policy MLP6 Schedule 2**

Existing
 Potential

INSET No 2

scale 1:10 000
November 1996



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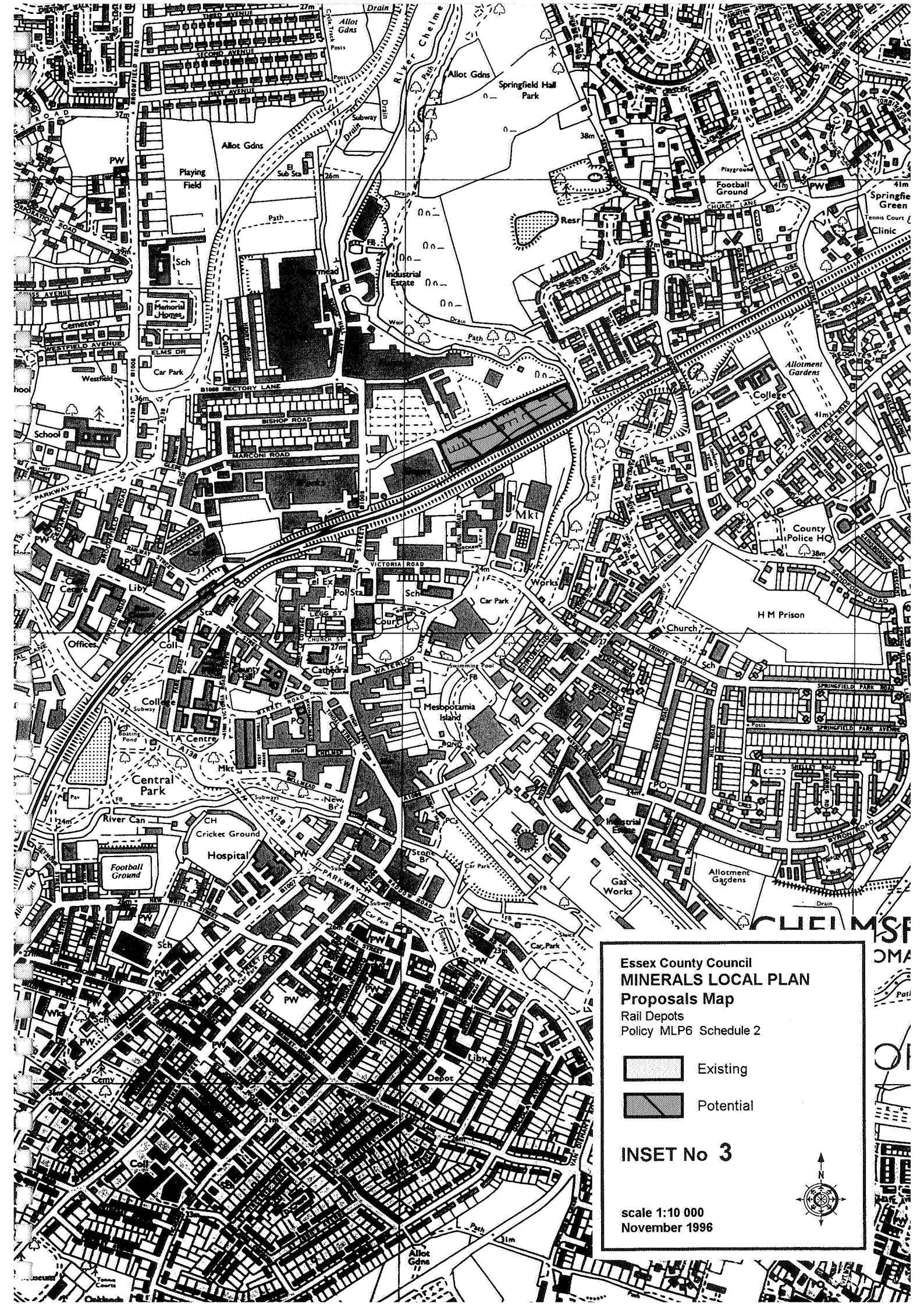
SITE: 3

ADDRESS: Chelmsford Rail Sidings, off New Street, Chelmsford

AREA: 0.3 ha

NOTES:

1. Site currently closed but recently operated by Redland Aggregates Ltd who maintain an interest in the site. The site has road access onto town roads, but is very near to a major road, the A138.
2. The Site is also affected by Policy EMP2 of the Deposit Draft Chelmsford Borough Plan. Any proposal for development will need to be resolved with both Local Plans.



Essex County Council
MINERALS LOCAL PLAN
Proposals Map
 Rail Depots
 Policy MLP6 Schedule 2

	Existing
	Potential

INSET No 3
 scale 1:10 000
 November 1996

SITE: 4

ADDRESS: Purfleet Wharf, London Road, Thurrock (Civil & Marine)

AREA: 3 ha

NOTES: 1. The marine wharf was granted planning permission in 1979 and receives sea-dredged material and other imported aggregates material. The materials are transported by conveyor from the jetty to the site.

SITE: 10

ADDRESS: Jurgens Road, Purfleet (Foster Yeoman)

AREA: 7.4 ha

NOTES: 1. Operated by Foster Yeoman Ltd. It has good road, rail and river access. The site allows for considerable stockpiles of material. At the moment the site is used mostly as a Rail Depot. The wharf is capable of berthing a carrier of 37,500dwt. The site has a potential throughput of 3 million tonnes per annum. The planning permission specifies that all material, with minor exceptions, shall be delivered to the site via rail or water.

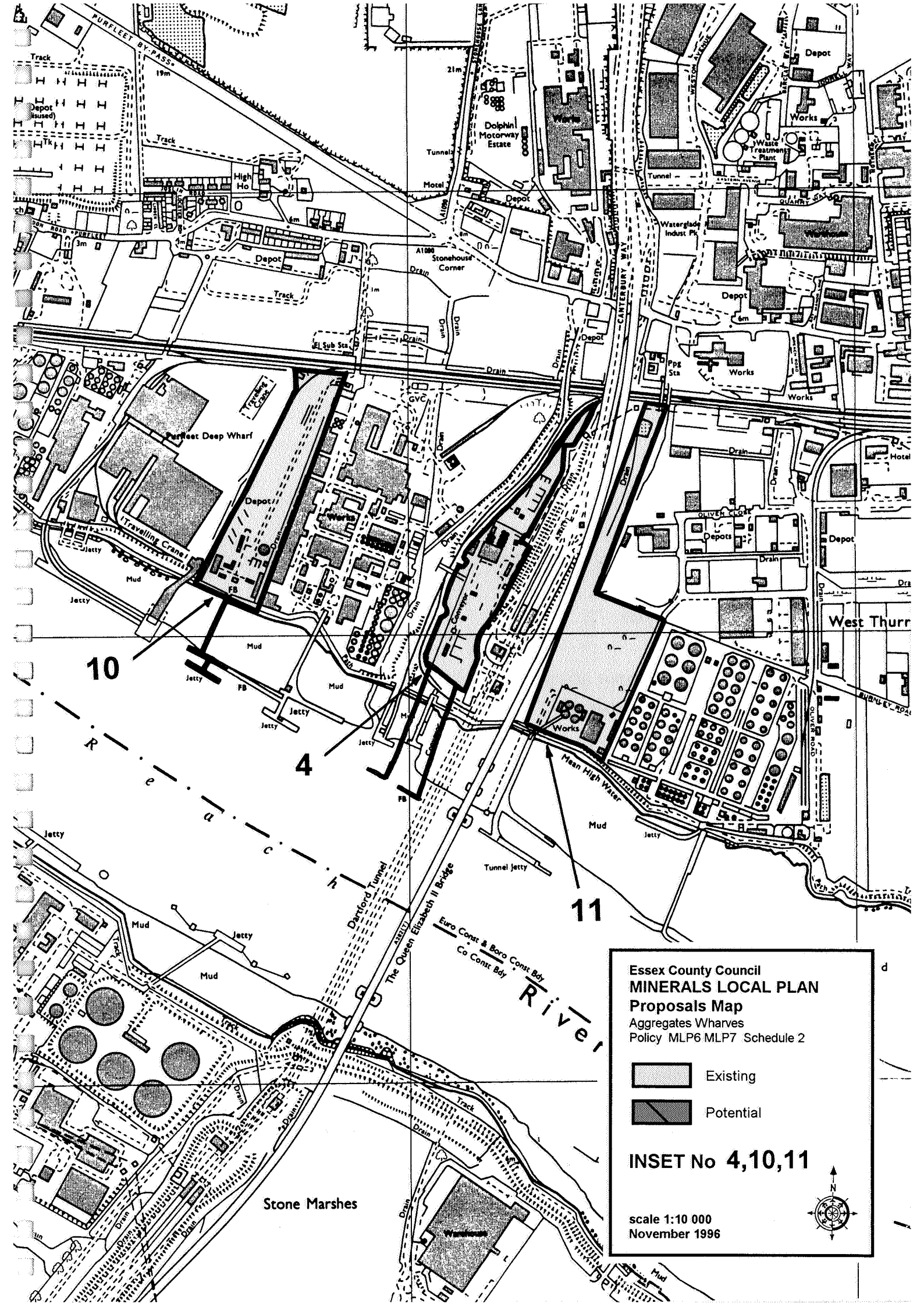
SITE: 11

ADDRESS: Oliver Road, West Thurrock (Redlands)



AREA: 8.3 ha

NOTES: 1. Controlled by Redland Aggregates. Site was granted permission in 1989 to import land-won processed sand and gravel for the redistribution by water, rail and road. This was varied in 1991 to allow the import and processing of marine won sand and gravel. The wharf is capable of handling ships of up to 37,500dwt.

2. This site is not currently in operation. The company have proposals which have been examined at Public Inquiry, for a rock quarry in Scotland which may be linked to the Thurrock depot.

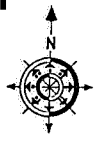


Essex County Council
MINERALS LOCAL PLAN
Proposals Map
 Aggregates Wharves
 Policy MLP6/MLP7 Schedule 2

-  Existing
-  Potential

INSET No 4,10,11

scale 1:10 000
 November 1996



SITE: 5

ADDRESS: Gibbs Wharf, Hedley Avenue, West Thurrock (Maxwell Ltd)

AREA: 0.81 ha

Porter Yeoman

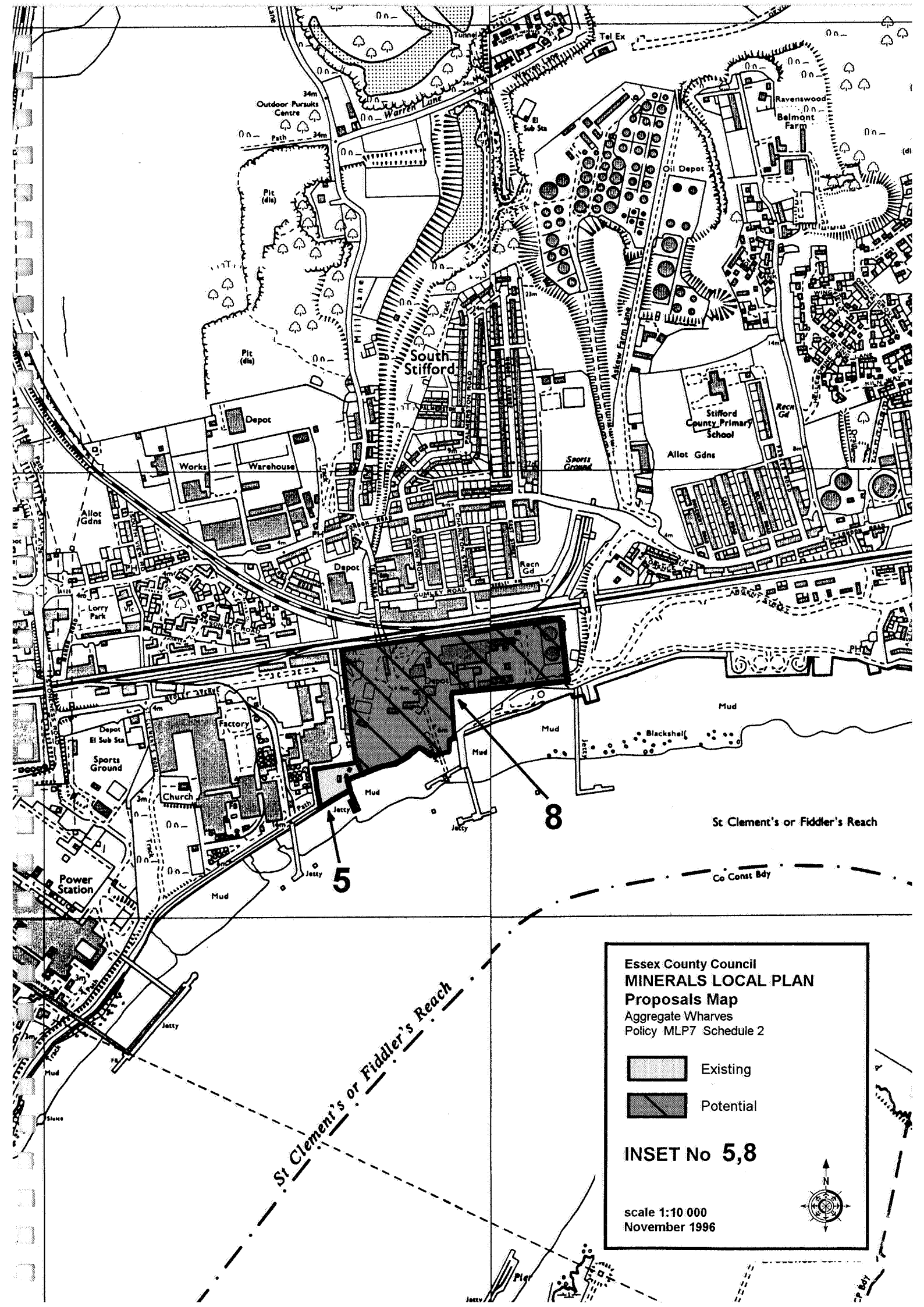
- NOTES:**
1. The site was first granted planning permission in 1987 for an asphalt mixing plant. One of the conditions for the site was that all importation of aggregates would be via the River Thames with the exception of sand and bitumen.
 2. Access is off Stoneness Road and Hedley Avenue.

SITE: 8

ADDRESS: Wouldham Works, Wouldham Road, West Thurrock

AREA: 12.5 ha

- NOTES:**
1. The site adjoins the river frontage which has an existing jetty which is currently used for oil deliveries, with capacity for ships up to 37,500dwt. The site consists of derelict industrial plant and the site has some development potential.
 2. Access to the site is via Wouldham Road from London Road which provides access to the M25. There may be access problems with housing on London Road and new housing on Woodham Road/Argent Street. A new access road onto Hedley Avenue to the west of the site with access onto London Road via Stoneness Road is preferred. Road improvements will be the responsibility of the developer. There is also potential for a rail link with the LTS rail line which would be preferred.
 3. Because of other development pressures, and recently permitted residential development the aggregates operation may be confined to the southern part of the site.



Essex County Council
MINERALS LOCAL PLAN
Proposals Map
 Aggregate Wharves
 Policy MLP7 Schedule 2

Existing
 Potential

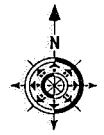
INSET No 5,8

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 November 1996

St Clement's or Fiddler's Reach

St Clement's or Fiddler's Reach

Co Const Bdy

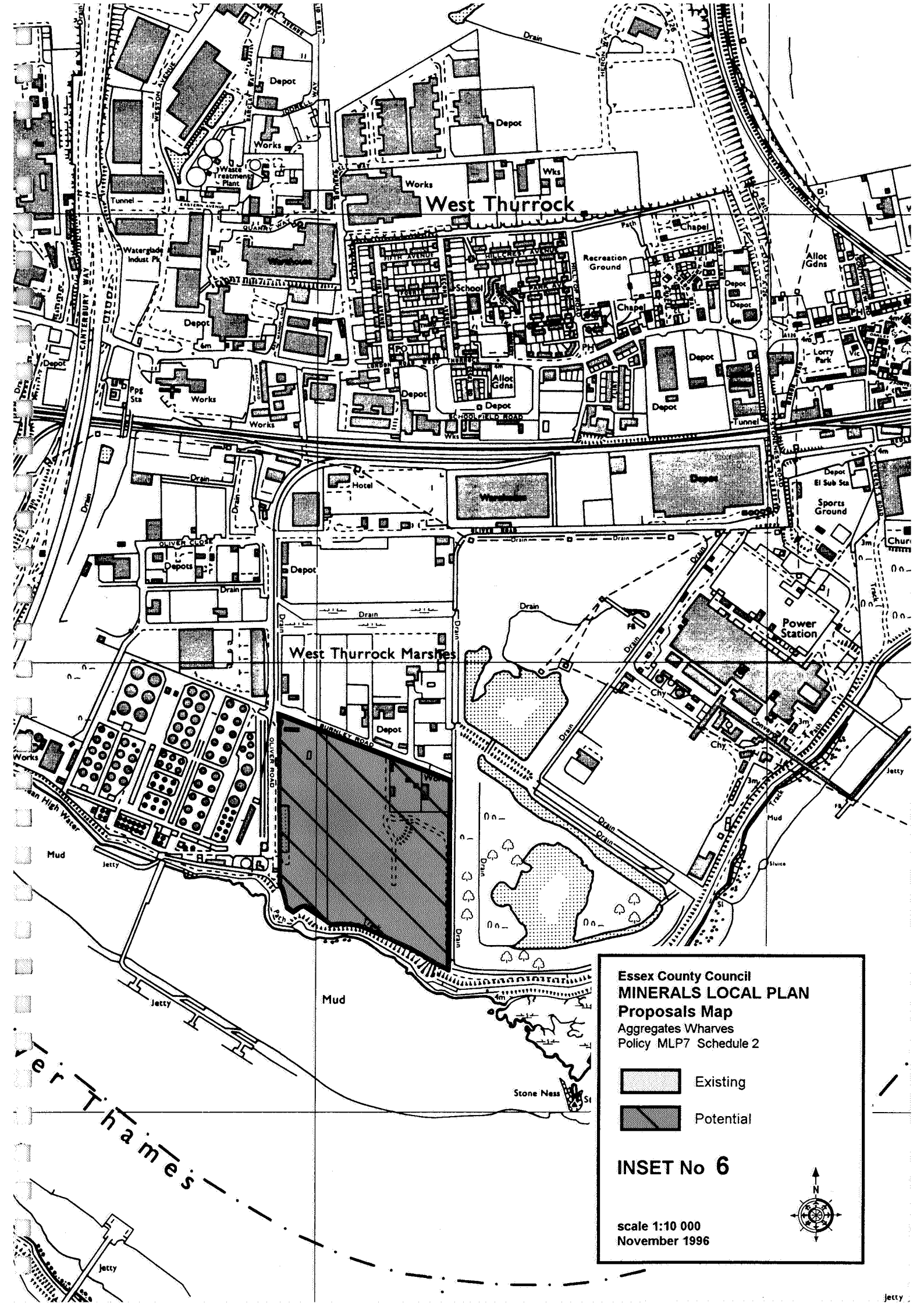


SITE: 6



ADDRESS: Thames Matex, Burnley Road, West Thurrock

AREA: 10 ha

- NOTES:**
1. The site comprises of clear flat land and is located on the river front, there is an existing oil terminal jetty (West Thurrock Terminal Jetty) and ships up to 37,500 dwt can be accommodated.
 2. Access would be via Oliver Road a minor industrial road in the West Thurrock industrial estate which would require road improvements and should involve a new access road from the west. The access to the M25 is reasonably direct.
 3. This Site is proposed for soil disposal from the Channel Tunnel Rail Link which may affect the timing of a marine wharf operation.
 4. The foreshore is a Site of Special Scientific Interest and therefore the needs of nature conservation must be taken into account.

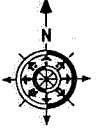


Essex County Council
MINERALS LOCAL PLAN
Proposals Map
 Aggregates Wharves
 Policy MLP7 Schedule 2

	Existing
	Potential

INSET No 6

scale 1:10 000
 November 1996



SITE: 7

ADDRESS: West Thurrock Power Station, Stoneness Road, West Thurrock

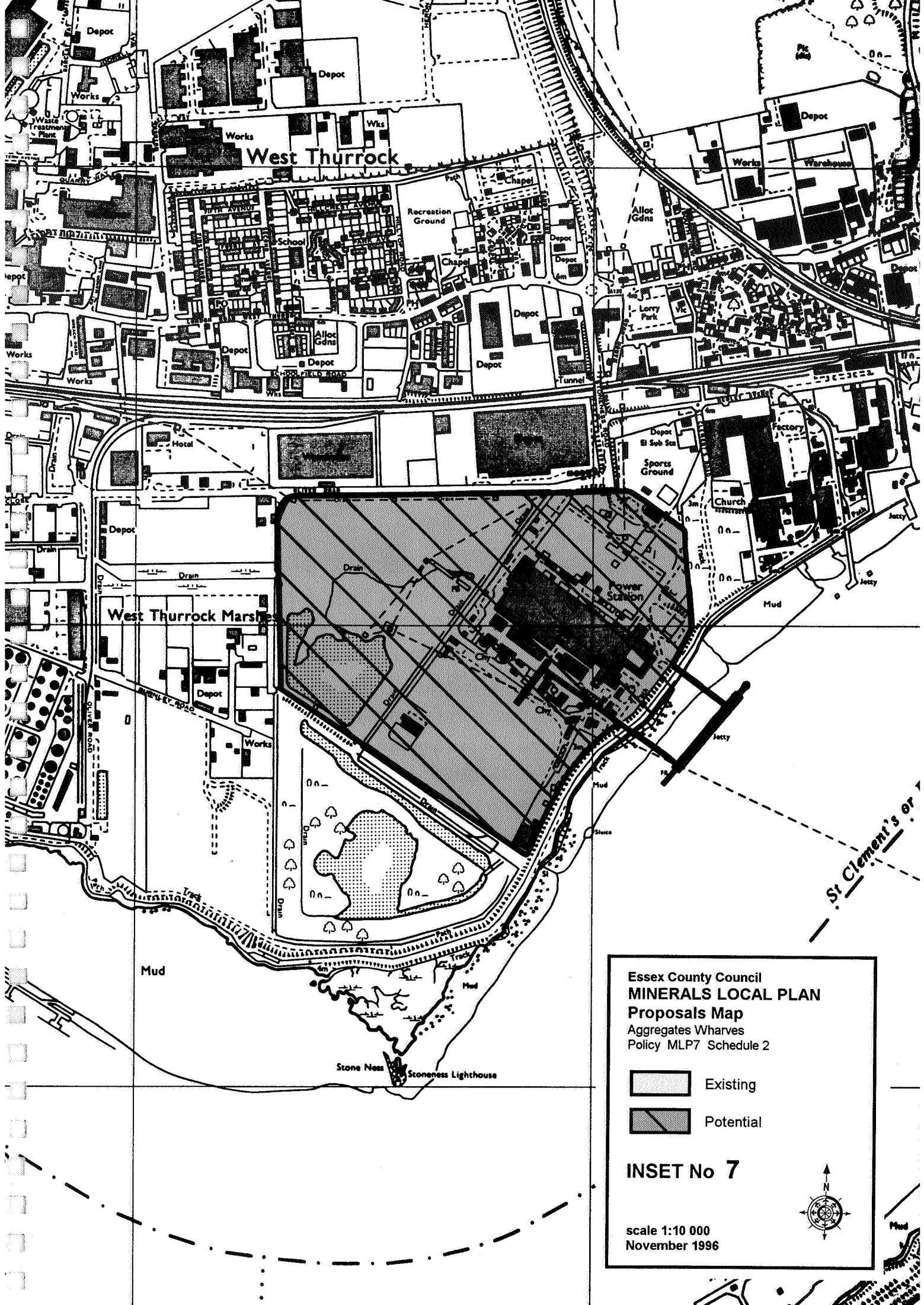
AREA: See Note 1.

NOTES: 1. The Power Station closed in 1993 and is in the process of being decommissioned. There is potential to develop part of the site for importing aggregates with use of the existing jetty. It is recognised that not all of the site would be required for an aggregates depot, MPG6 suggests a likely area of approximately 5-8 ha. It is therefore proposed that approximately 5-8 ha of the 53 ha site will be required to be safeguarded and the exact boundary be determined within the future development proposals for the whole of the site and should be part of a comprehensive development brief.



2. Access to the site will be determined through the development brief and could involve a new access road from the west. The site has reasonably direct access to the M25. There is however, no current access onto the LTS railway line.

3. To the south of the site is a Site of Special Scientific Interest and therefore the needs of nature conservation must be taken into account.

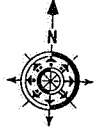
4. The redundant power station or part of the site has scope for use as a waste to energy incinerator, although this is not a proposal of the MLP.



Essex County Council
MINERALS LOCAL PLAN
Proposals Map
 Aggregates Wharves
 Policy MLP7 Schedule 2

 Existing
 Potential

INSET No 7


 scale 1:10 000
 November 1996

SITE: 9

ADDRESS: Tilbury Power Station, Fort Road, Tilbury

AREA: See Note 3.

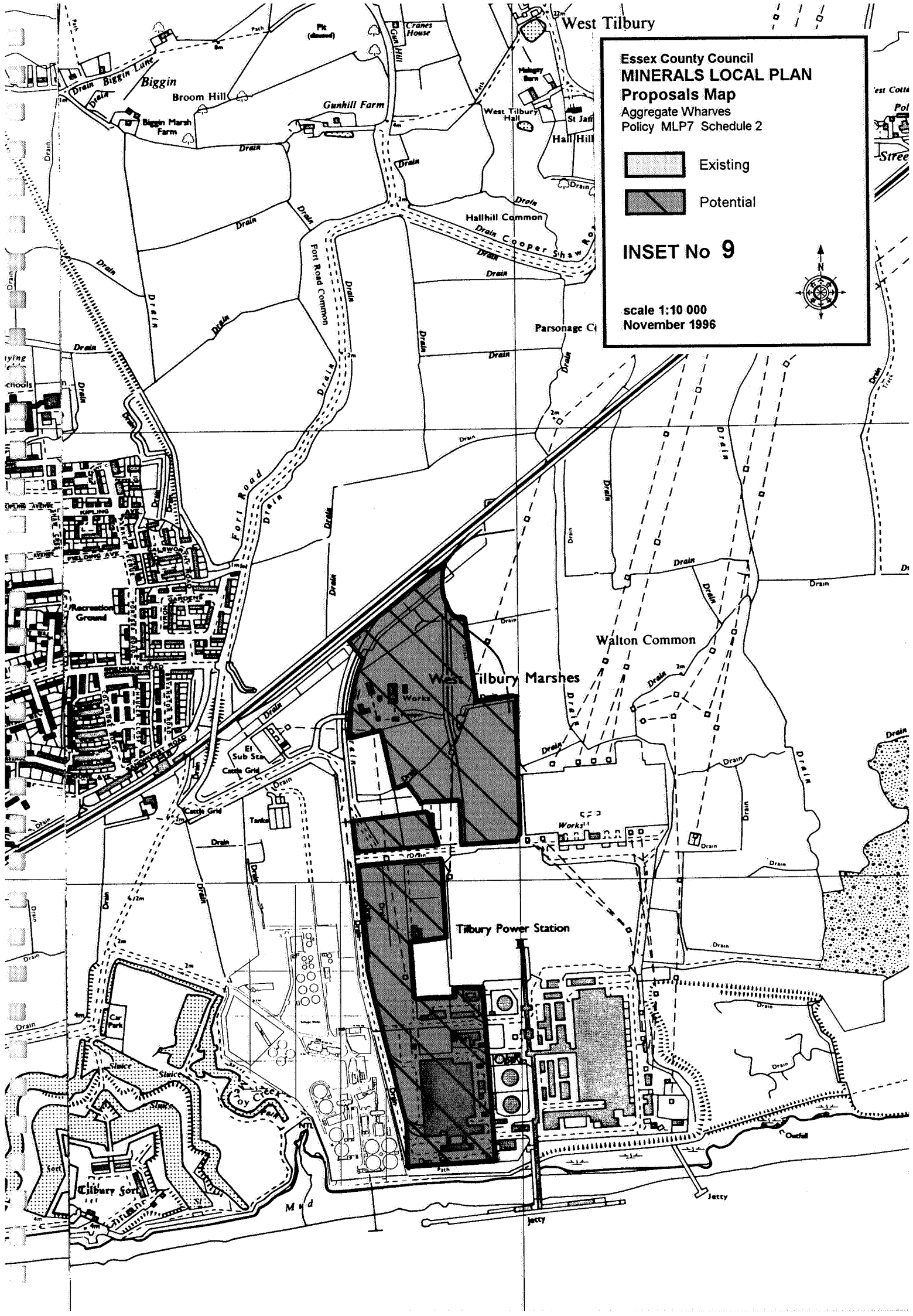
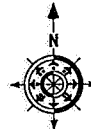
- NOTES:**
1. The Site includes land currently consented for electricity generation. Subject to operational requirements, there may be scope for importation of aggregates. The site has access to a jetty which could accommodate vessels between 37,500 and with improvement 75,000dwt.
 2. Access to the site is via minor roads to the west and would require substantial improvements. There is also potential for rail access to the site.
 3. Thurrock Borough Local Plan, policy RIV1A, identifies the site for new power generation and/or river related development which includes a major aggregates handling facility. Clearly in identifying the gross area on the map it is recognised that not all of it would be required for an aggregates depot, MPG6 suggests the likely area of approximately 5-8 ha. It is therefore proposed that approximately 5-8 ha of the 27.7 ha site will be required to be safeguarded and the exact boundary be determined within future development proposals. Identification of this protected area would not preclude the consideration of other proposals for an aggregates wharf within the vicinity of the site and the Thames foreshore.
 4. To the west of the site is a Site of Importance for Nature Conservation and therefore the needs of nature conservation must be taken into account.

Essex County Council
MINERALS LOCAL PLAN
Proposals Map
Aggregate Wharves
Policy MLP7 Schedule 2

-  Existing
-  Potential

INSET No 9

scale 1:10 000
November 1996





SCHEDULE 2a

OPERATIONAL PORTS

1. Port of Tilbury

Note: Two berths have planning permission for such imports as shown

- 1a Cross Wall Berth, Port of Tilbury (Tarmac Topblock and Port of Tilbury)
- 1b Stone Terminal, Berths 5-8, Port of Tilbury (Port of Tilbury/Aker BRM)

2. Port of Harwich (Parkeston Quay East and Harwich Harbour)

SITE: 1 Port of Tilbury

ADDRESS: Port of Tilbury London, Tilbury Freeport, Tilbury.

AREA: 241.5 ha

NOTES: 1. The Port has General Permitted Development Order Rights with respect to cargo handling and has potential to import aggregates.

2. The road access is off the trunk road A1089. There are existing rail sidings to the north of the site. These have the potential to allow the onward transportation of aggregate by rail.

SITE: 1a

ADDRESS: Cross Walls Berth, Port of Tilbury, Thurrock, (Tarmac Topblock and Port of Tilbury).

AREA: 2.5 ha

NOTES: 1. The existing aggregate importing site is within the Port of Tilbury complex and has planning permission for the manufacture and storage of building blocks and asphalt coating plant.

SITE: 1b

ADDRESS: Stone Terminal, Berths 5-8 Port of Tilbury (Port of Tilbury/Aker BRM)

AREA: 2.67 ha

NOTES: 1. The site started importing crushed rock and other aggregates in 1991 which were stockpiled at berths 5 and 6. In 1992 the site (Berths 5-8) gained outline planning permission for a stone coating plant, concrete plant and ancillary buildings to utilise the imported crushed rock, aggregates and other materials.

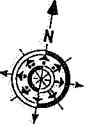
Essex County Council
MINERALS LOCAL PLAN

Aggregates Wharves
Policy MLP7 Schedule 2a

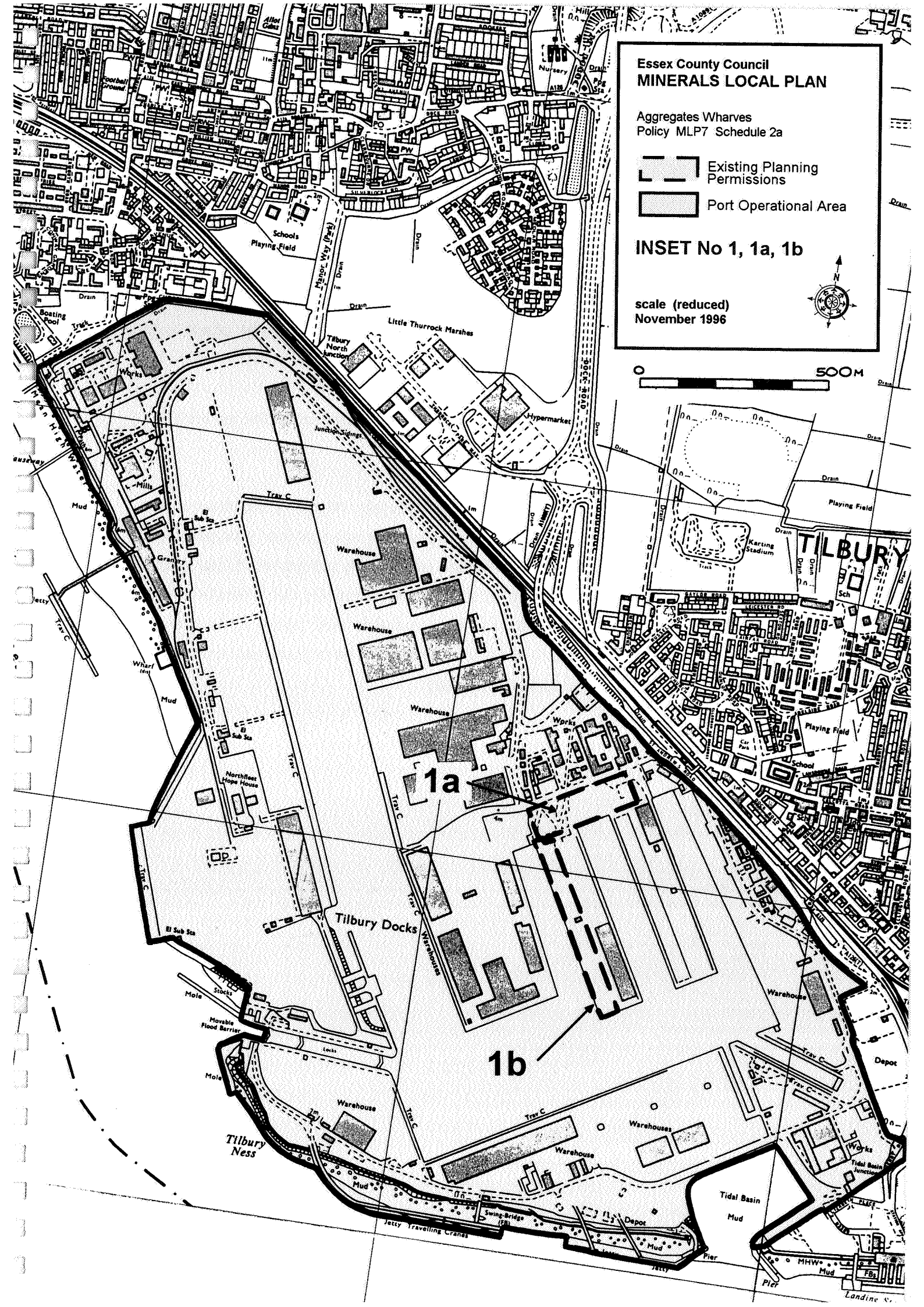
-  Existing Planning Permissions
-  Port Operational Area

INSET No 1, 1a, 1b

scale (reduced)
November 1996



0 500M



SITE: 2 Port of Harwich


ADDRESS: Parkeston Quay East/Harwich Harbour

AREA: 69.1 ha (total)

- NOTES:**
1. This area is likely to be suitable for the development of a large aggregate import facility. It is already rail linked and has potential to serve the South East and East Anglia.
 2. Jetty would need to be constructed and dredged to the required depth.
 3. The area north of the town (Navyard Wharf) is identified in the Tendring Local Plan as an area for marine/river related uses. Government approval has been given to expand the wharf area to take larger vessels, but the work has yet to be carried out. This site has no current rail link and road transportation may cause environmental problems. Any development of the site will be critically examined in the light of access/rail link availability.

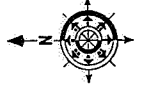
Essex County Council
MINERALS LOCAL PLAN

Aggregates Wharves
Policy MLP7 Schedule 2a

 Port Operational Area

INSET No 2

scale (reduced)
November 1996



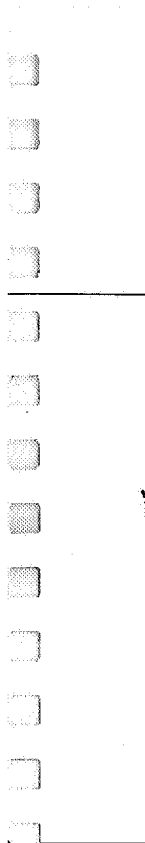
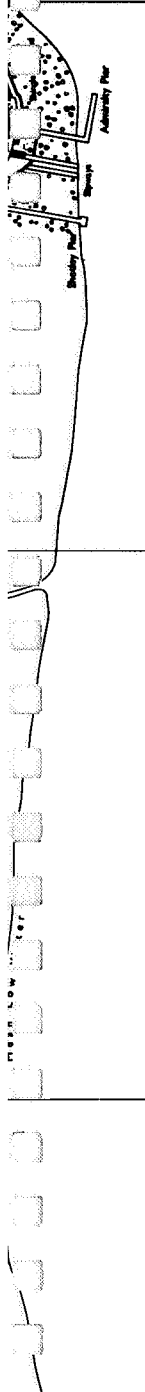
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8. OTHER MINERALS

- 8.1 This Chapter of the Plan deals with other minerals that are extracted in Essex. Sand and gravel is the pre-dominant mineral resource in the County and the Plan rightly concentrates on this mineral. However, the general policies of the Plan, where applicable, are relevant to extraction of other minerals. For example, the access Policy MLP3 is important. Equally there are references in various Government documents to other minerals, including RPG9.

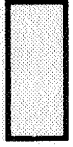
Brickearth

- 8.2 Brickearth varies in thickness from less than 1m to greater than 6m and is found mainly in the south east and east Essex especially in the districts of Rochford and Southend. Brickearth is generally a structureless silty deposit formed as a fluvial overbank (loam) deposit or a loess or perhaps even a mixture of the two. The deposit is not worked to its full depth, instead the top metre or so is skimmed of when conditions are dry, the remaining soil can then be cultivated and restored to Grade 1.
- 8.3 The brickearth is as its suggests used in the manufacture of bricks and tiles, the works are long established, many of the deposits were worked back in Tudor times, but today only one company is working the deposit. The reserves are extensive covering some 200 ha with planning permission, plus some 300 ha not permitted. Each hectare equates to some 14,000 tonnes of brickearth.
- 8.4 This material is not an aggregate therefore it does not come under the landbank requirement, however, it is an important resource.

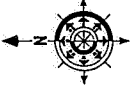
Mineral Consultation Area: Brickearth

- 8.5 In order to safeguard mineral deposits, and prevent sterilisation by development, contrary to Structure Plan Policy NR20, legislation allows areas to be designated such that planning applications within them are the subject of consultation with the MPA such that objection could be raised.

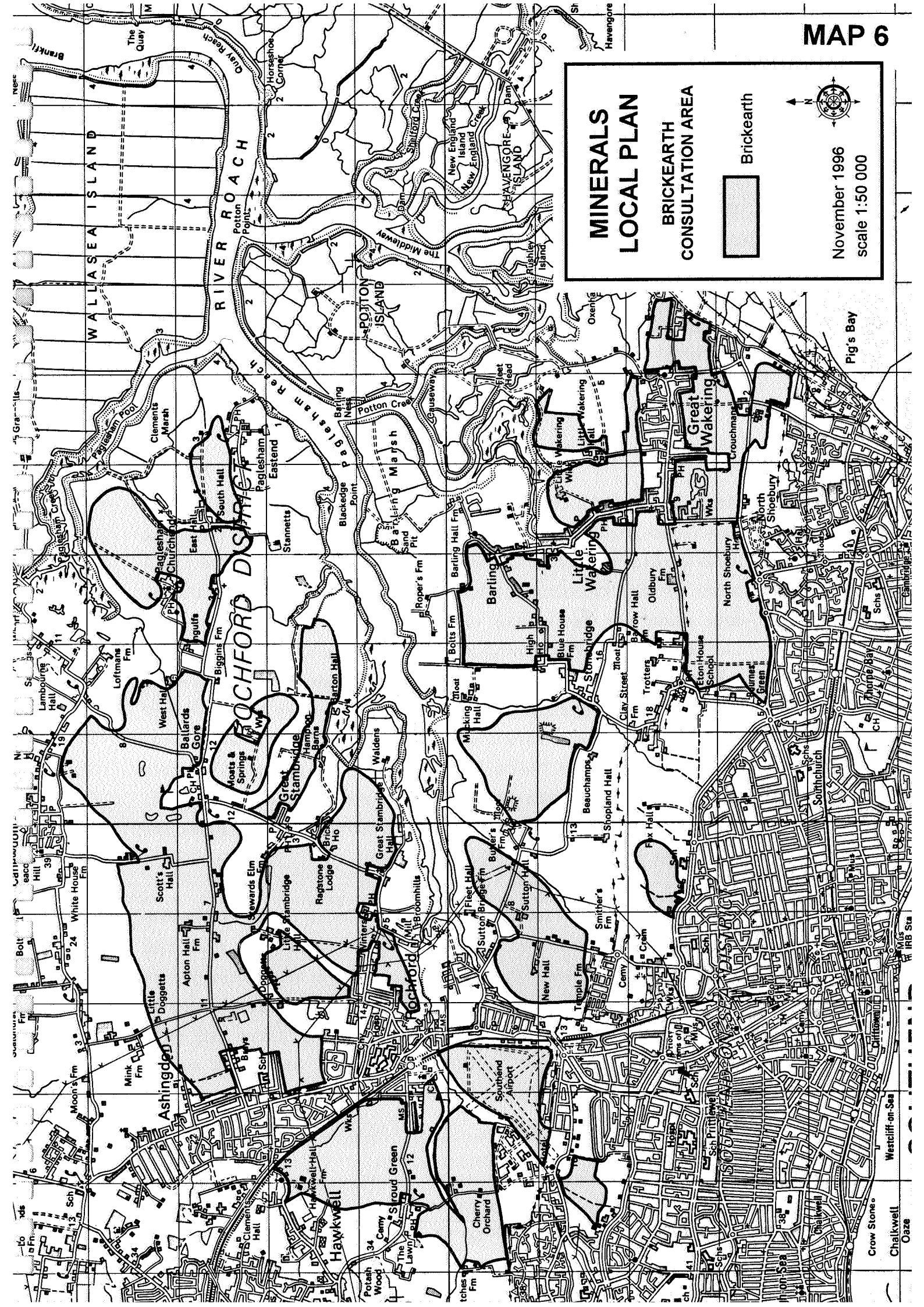
MINERALS LOCAL PLAN
BRICKEARTH CONSULTATION AREA



Brickearth



November 1996
 scale 1:50 000



- 8.6 Such an area has been declared under the Schedule 1 paragraph 7(3)(c) of the 1990 Act. The area in Rochford District and Southend Borough is shown on Map 6. All planning applications (except those within a residential curtilage) must be the subject of consultation with the MPA.
- 8.7 Brickearth is a valuable mineral resource and any proposals which actually or effectively, e.g. golf courses, sterilise the deposit, will be considered by the MPA with a view to entering an objection to the Local Planning Authority who may then refuse planning permission. Naturally should this reason for refusal be the subject of an appeal then the MPA will need to substantiate their position.

Clay

- 8.8 Clay is extracted from a number of sites in the County for various purposes. Two sites extract clay for specialist brick and tile manufacture. Bulmer Brickworks works an out crop of London Clay which contains volcanic ash bands, this helps to give the particular character to the products of this site. All bricks and tiles are hand made, and fired in small kilns. the operation is very small and will undoubtedly continue for many years. The other site, producing fired products, is at Marks Tey which has been in operation since the last century. This site was a family run concern until a few years ago when taken over by a large brick company. It continues to make specialist bricks and tiles, in somewhat larger numbers than at Bulmer. The clay is unusual in that it is a lake deposit, the lake during the Anglian glaciation and was deep with steep sides, this subsequently filled up with sorted material which was covered during the last glacial period by a peat layer. Part of this site is a geological SSSI.
- 8.9 London Clay is also extracted in the south of the County for the Kent cement industry. It is extracted, mixed with water and converted into a slurry then pumped via pipeline under the River Thames. Clay is also permitted to be extracted from other sites, but is used mainly for fill and cover. As mentioned elsewhere in this document the site at Ongar also dug London Clay to be converted into a lightweight aggregate. This site has now worked out the permitted reserves.

- 8.10** MPG10 'Provision of Raw Materials for Cement Industry' suggests that cement plants should be provided with a stock of permitted reserves of at least 15 years. However cement production has now ceased in Essex and clay workings in the County provide raw material for use elsewhere, no need is seen to establish a landbank for clay in Essex. In any event considerable permitted reserves exist.

Chalk

- 8.11** Chalk was extensively quarried in south Essex (Thurrock District) since the 19th Century but has now ceased, the old quarries mainly having now been put to other uses. Historically, in south Essex, mining in the chalk has taken place in the form of Deneholes, which may cause problems for future development above them. In the north west of the County chalk also outcrops, and historically a number of small 'lime pits' were dug, mostly for agricultural purposes, although North Essex Limewashed houses were also users of this material.
- 8.12** Today only one quarry is working producing chalk for agricultural purposes. It has considerable reserves which, considering the small output, will last for many years. Although a small site, it fulfils a function in supplying chalk for improving the fertility of land.
- 8.13** Chalk is not covered by any landbank requirement.

Silica Sand

- 8.14** National policy guidance on the provision of silica sand is set out in MPG15, "Provision of Silica Sand in England", which was published in September 1996. The Kesgrave Sands and gravel deposits in the northern and central parts of the County have the potential to provide silica sand material. Silica sand is currently produced in small quantities at one site in Essex, as part of a larger output of sand and gravel. Proposals for the extraction of silica sand, whether as part of a normal sand and gravel operation, or solely for silica sand, would be considered on merit, having regard to national policy guidance, Policies MLP3, 8, 9, 10, 11, 12 and 13 of this Plan, and all other material considerations.



SCHEDULE 3**SITES WITH PERMISSION FOR WORKING (BRICKEARTH, CHALK, CLAY)**Brickearth

BEa. Star Lane Brickworks, Gt. Wakering, Rochford
Butterley Brick Co. Ltd.

BEb. Cherry Orchard Lane, Rochford
Butterley Brick Co. Ltd.

BEc. The Common, Gt. Wakering

Chalk

CHa Chalk Farm Quarry, Newport
Needham Chalks Ltd.

Clay**Used for brickmaking**

CLa Bulmer Brickworks
Bulmer Brickworks Ltd.

CLb Church Lane, Marks Tey, Colchester
Salvesen Brick

Non-brick

CLc Moor Hall/Sandy Lane, Aveley (Aveley 2 and 3)
ARC Ltd/East London Waste Ltd/RTZ plc

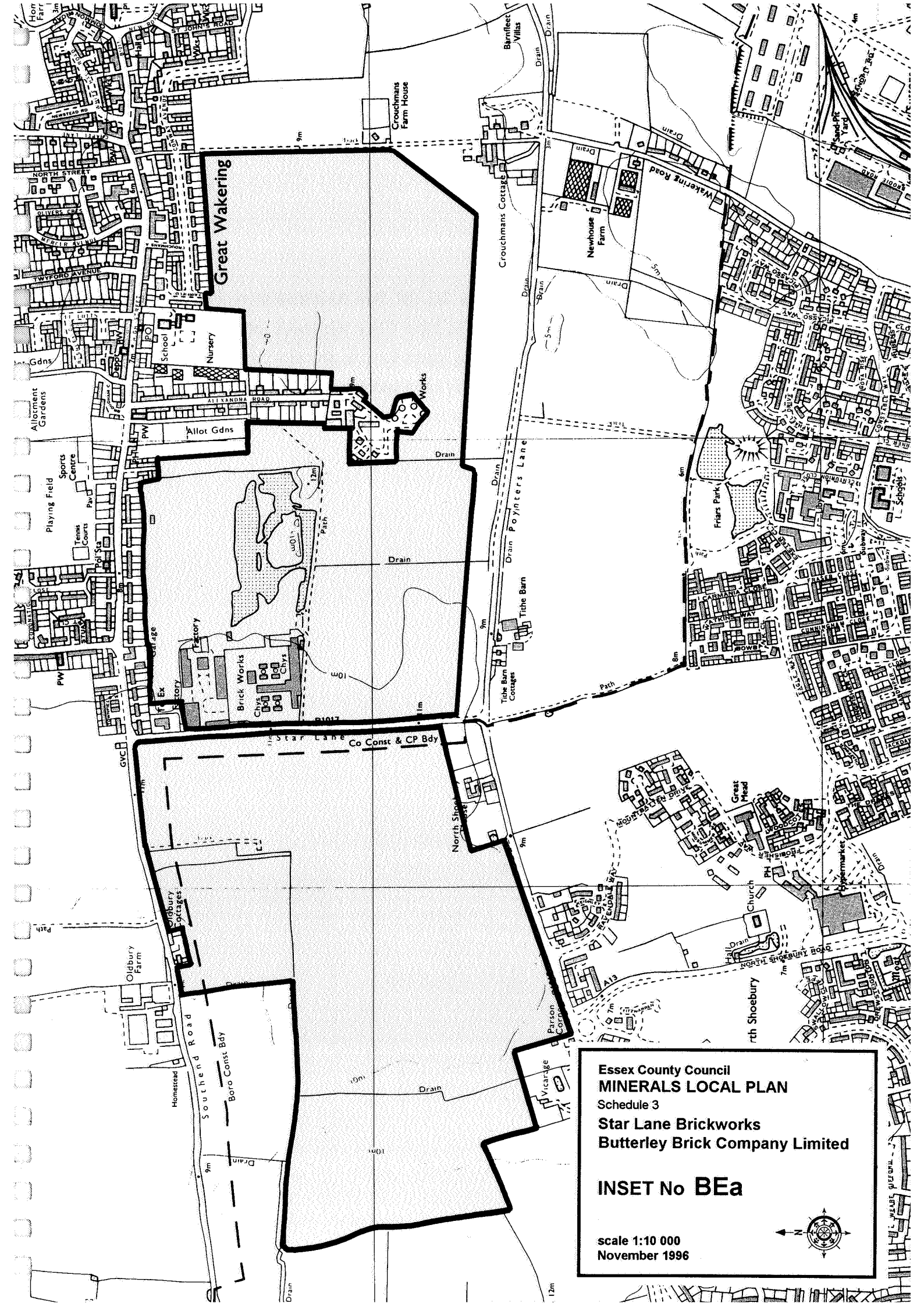
CLd Grange Farm, South Ockendon
Blue Circle plc

Site: BEa

Address: Star Lane Brickworks, Great Wakering, Rochford

Area: 143.8 ha

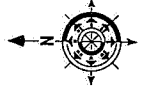
Notes: Operated by Butterley Brick Co. Ltd. has considerable reserves, but at present works are mothballed due to economic situation.



Essex County Council
MINERALS LOCAL PLAN
Schedule 3
Star Lane Brickworks
Butterley Brick Company Limited

INSET No BEa

scale 1:10 000
November 1996



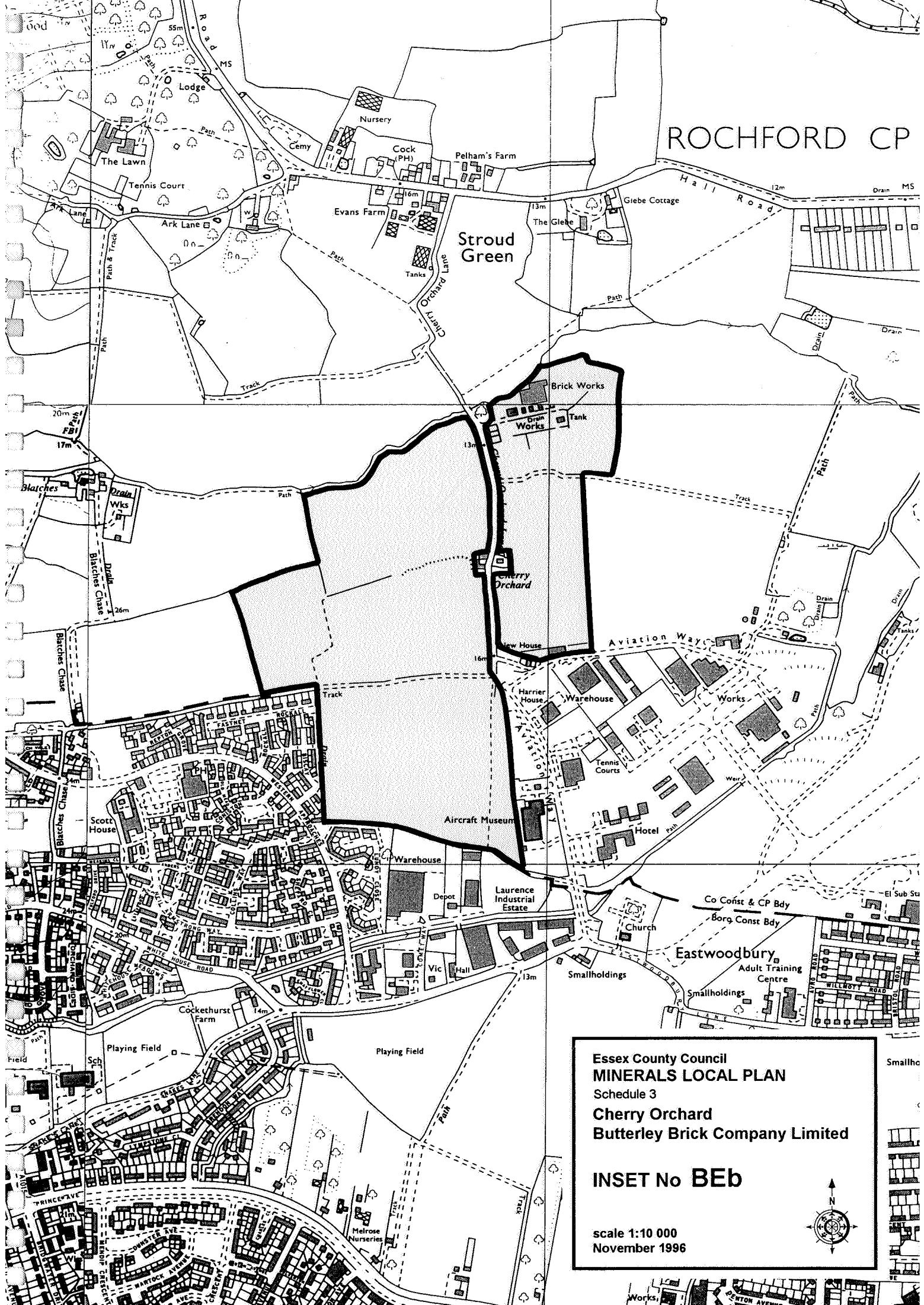
Site: BEb

Address: Cherry Orchard Lane, Rochford

Area: 50.7 ha

Notes: Operated by Butterley Brick Co. Ltd. Has considerable reserves. Very small area open at any one time. Only top metre or so of deposit removed so as not to destroy agricultural quality which is of a very high grade. The area was originally identified as an important resource in the 1940s, as were the two other brickearth sites.

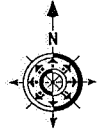
ROCHFORD CP



Essex County Council
MINERALS LOCAL PLAN
Schedule 3
Cherry Orchard
Butterley Brick Company Limited

INSET No BEb

scale 1:10 000
November 1996

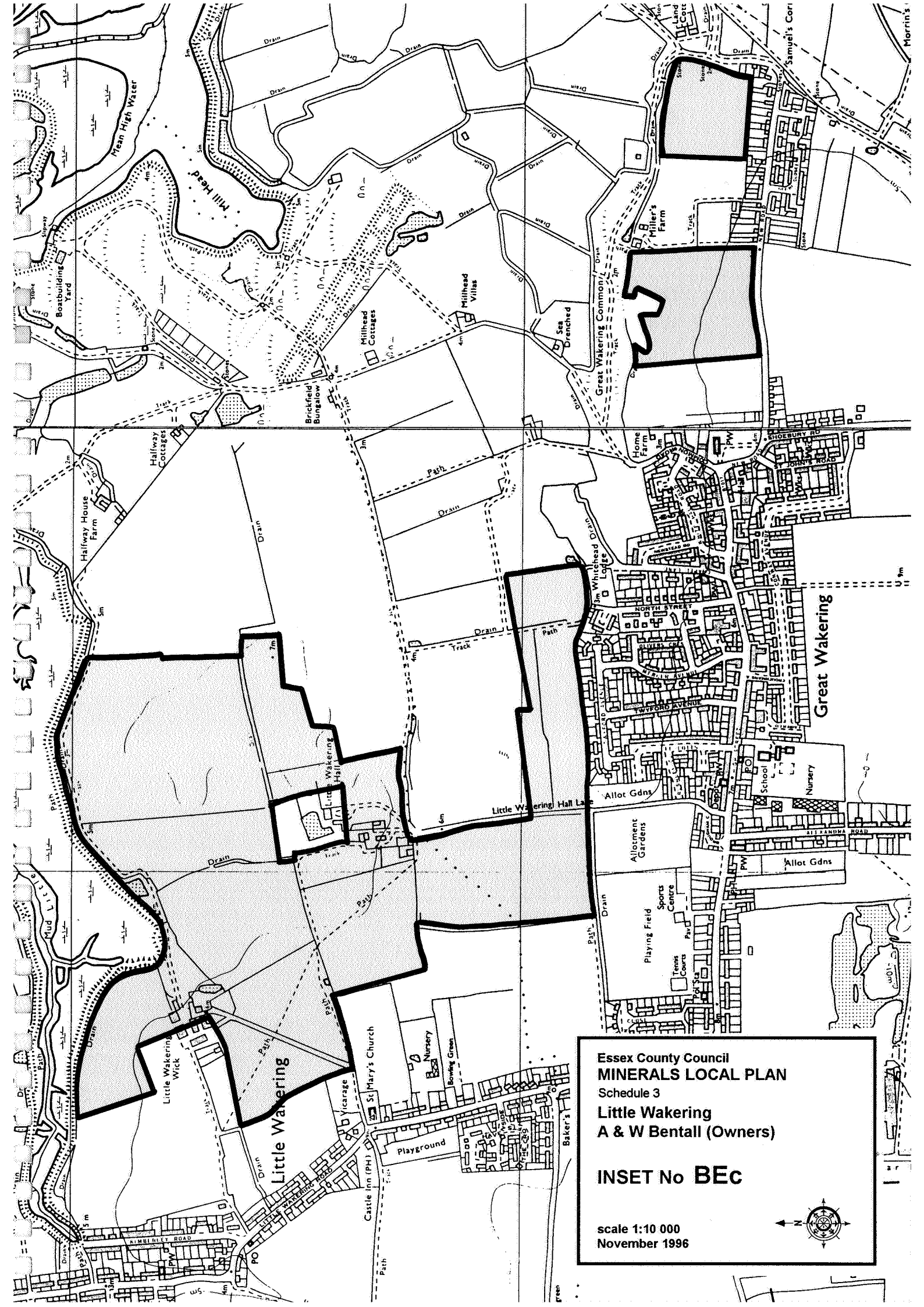


Site: BEc

Address: The Common, Great Wakering

Area: 91.9 ha

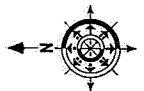
Notes: Part of a very large area identified and permitted in 1947, this area registered in 1992, but site has not been worked in recent years. Part of area has been excavated to form an agricultural reservoir; this was granted under a separate planning permission.



Essex County Council
MINERALS LOCAL PLAN
 Schedule 3
Little Wakering
A & W Bentall (Owners)

INSET No BEc

scale 1:10 000
 November 1996

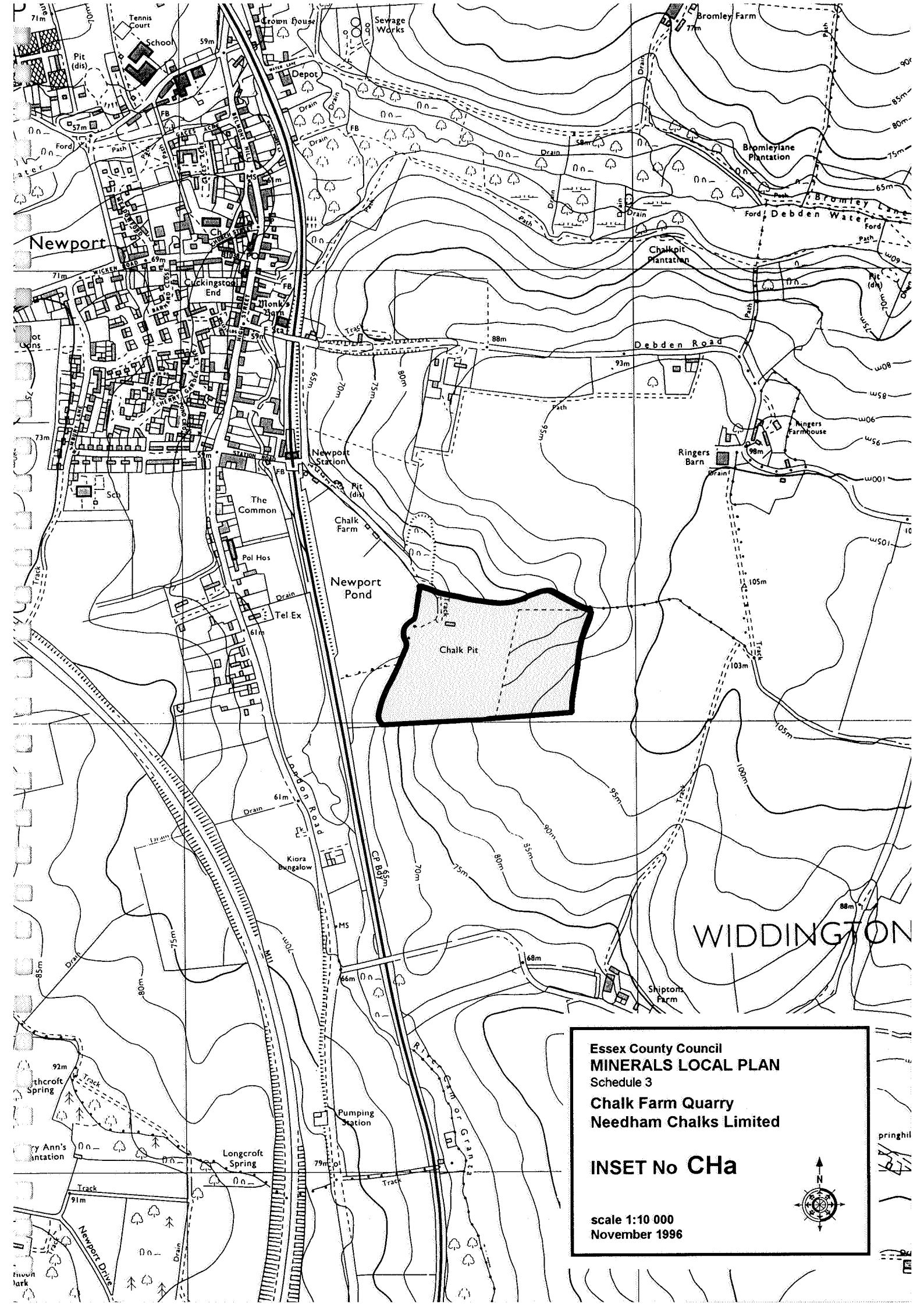


Site: CHa

Address: Chalk Farm Quarry, Newport

Area: 14.0 ha

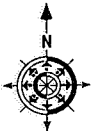
Notes: Operated by Needham Chalks Ltd. Chalk is sold mainly for agricultural purposes. This is the only remaining chalk quarry in the County and has been operating for many decades.



Essex County Council
MINERALS LOCAL PLAN
Schedule 3
Chalk Farm Quarry
Needham Chalks Limited

INSET No CHa

scale 1:10 000
November 1996

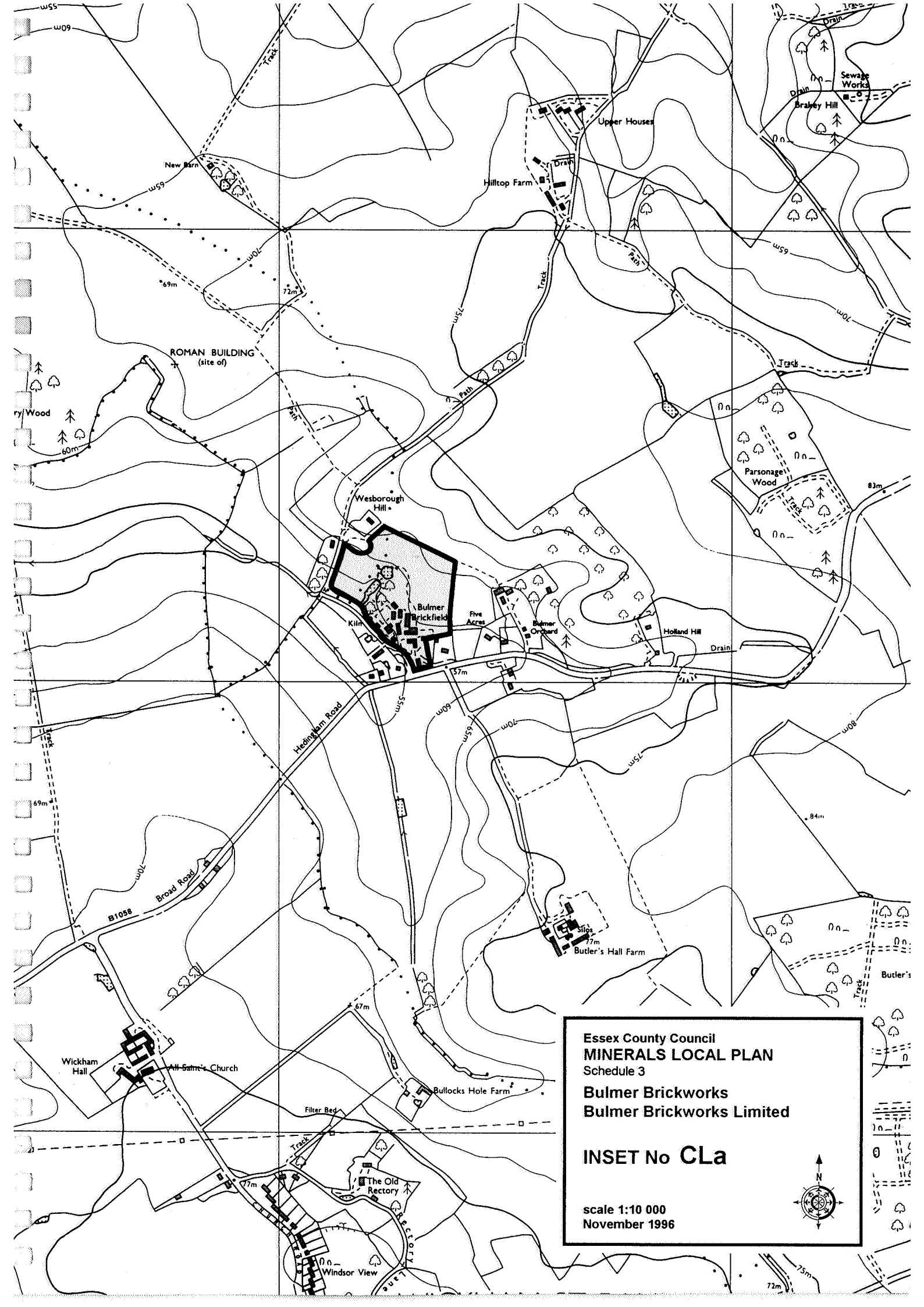


Site: CLa

Address: Bulmer Brickworks, Bulmer, Sudbury

Area: 4.6 ha

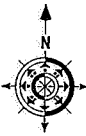
Notes: Operated by Bulmer Brickworks, a small family firm, extracting a small amount of brick clay a year for hand-made specialist bricks and tiles.



Essex County Council
MINERALS LOCAL PLAN
Schedule 3
Bulmer Brickworks
Bulmer Brickworks Limited

INSET No CLa

scale 1:10 000
November 1996

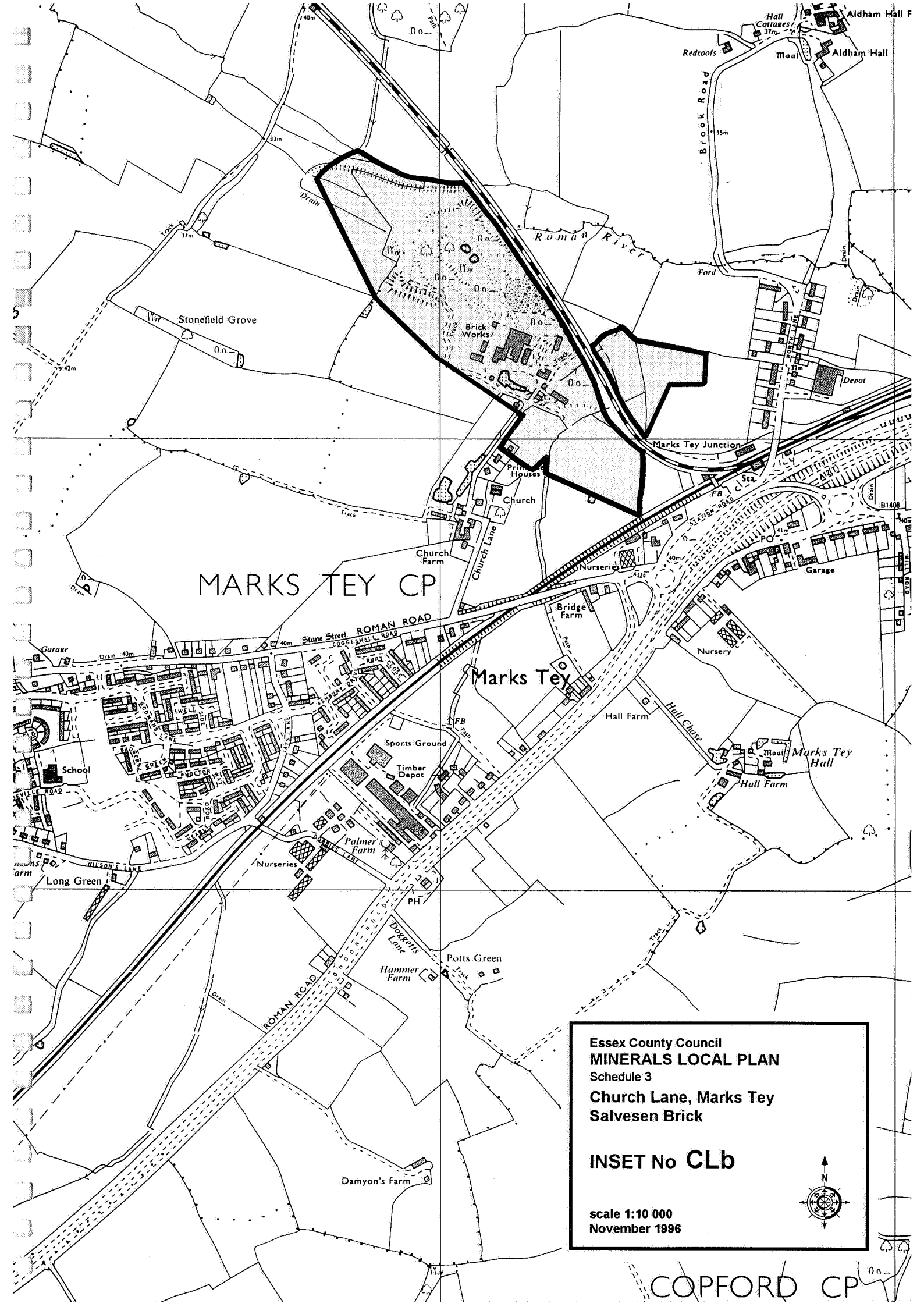


Site: CLb

Address: Church Lane, Marks Tey, Colchester

Area: 25.3 ha

Notes: Operated by Salvesen Brick Co. An old site that produces specialist bricks from brick clay. It has considerable reserves. Part of the permitted area is to the east of the branch railway line which may cause operational problems in the future.



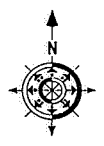
MARKS TEY CP

Marks Tey

Essex County Council
MINERALS LOCAL PLAN
Schedule 3
Church Lane, Marks Tey
Salvesen Brick

INSET No CLb

scale 1:10 000
November 1996



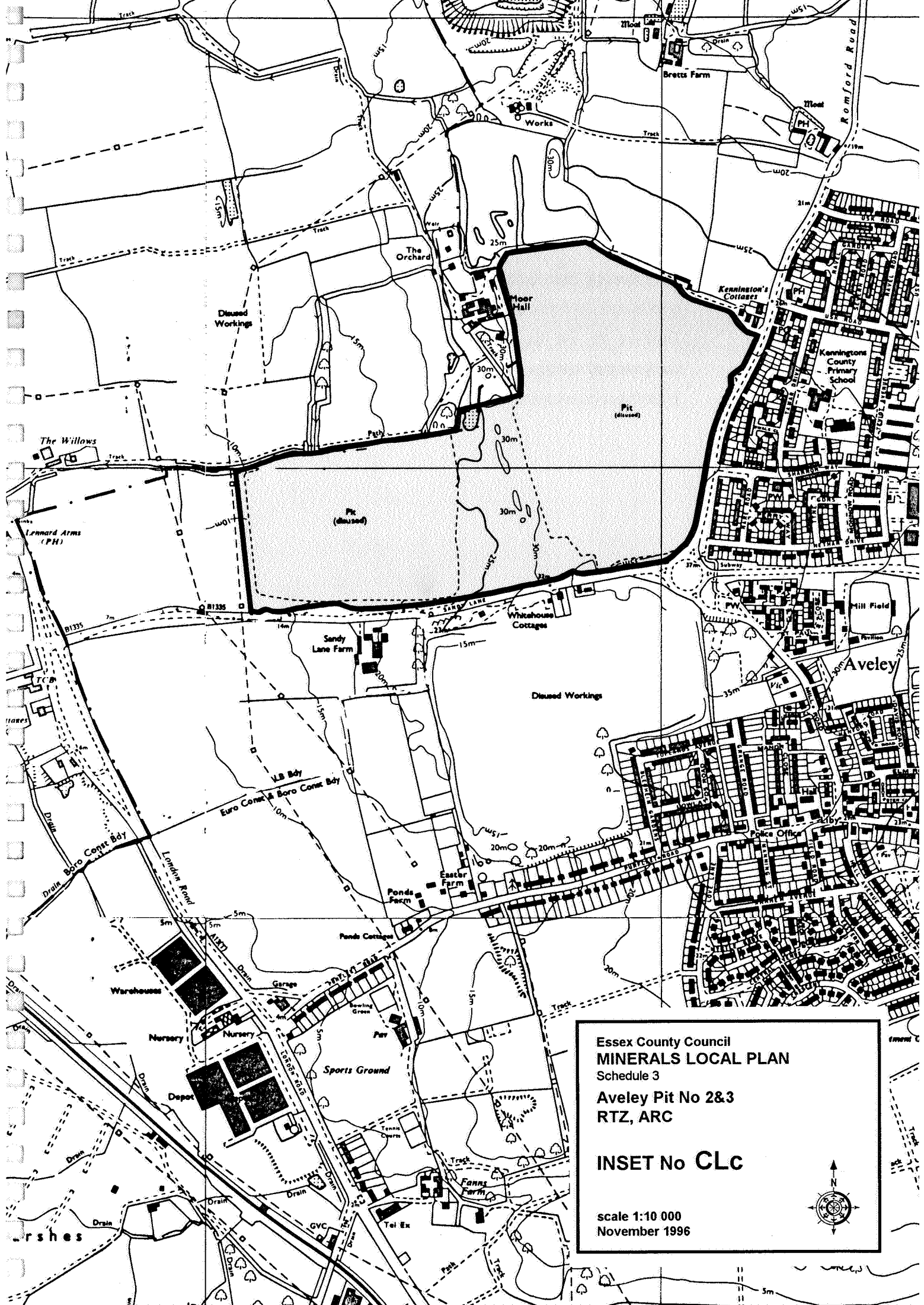
COPFORD CP

Site: CLc

Address: Moor Hall/Sandy Lane, Aveley (Aveley 2 & 3)

Area: 31 ha

Notes: The site was originally permitted in the early 1950's. There was some working for sand and gravel which overlaid the clay. Part of area has been filled and has a landfill gas extraction scheme. A large permitted reserve still exists, although further extraction is unlikely if a scheme for landfill is permitted.



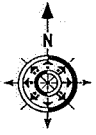
Essex County Council
MINERALS LOCAL PLAN

Schedule 3

Aveley Pit No 2&3
RTZ, ARC

INSET No CLC

scale 1:10 000
November 1996

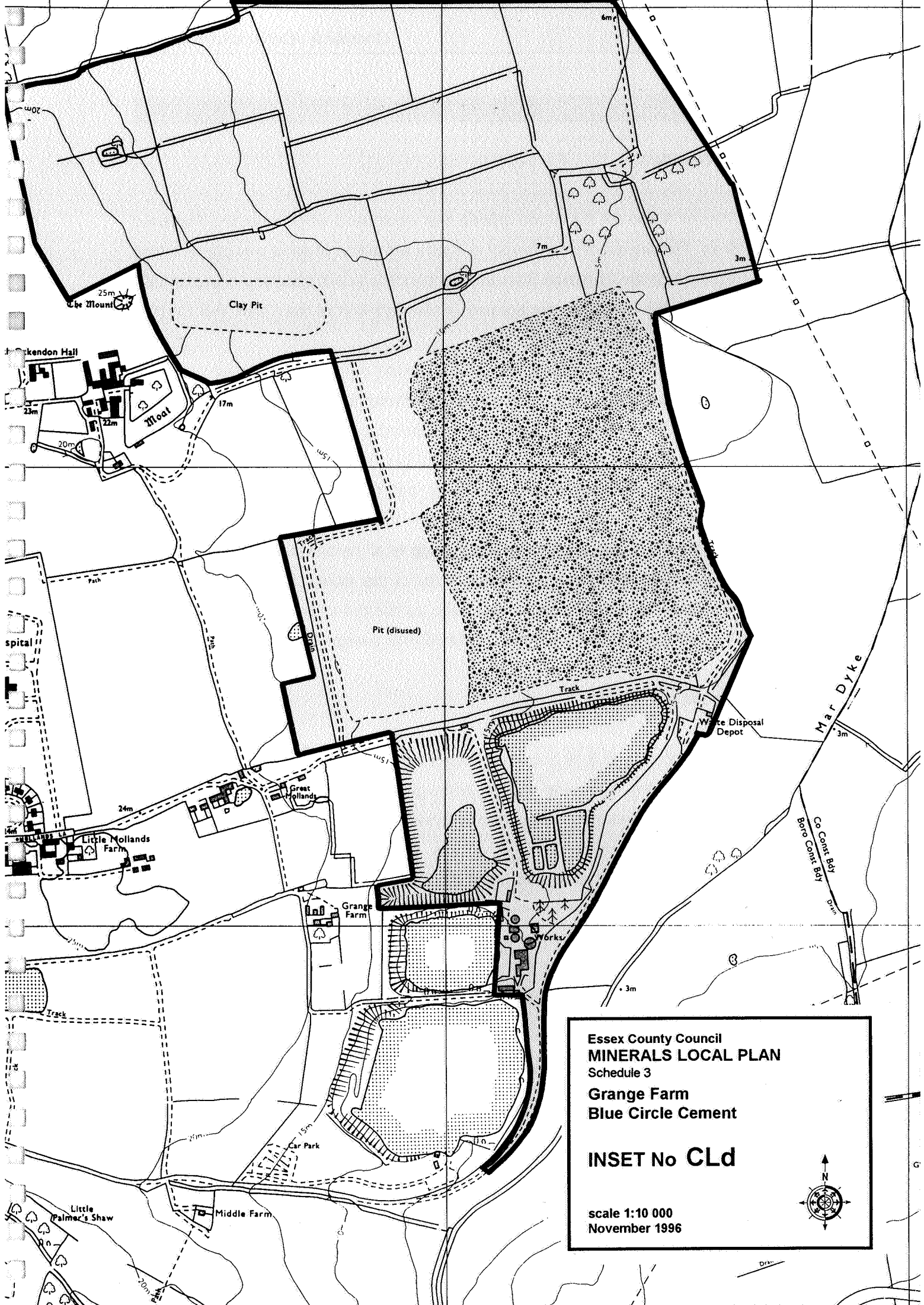


Site: CLd

Address: Grange Farm, South Ockendon

Area: 194.4 ha

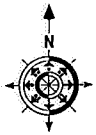
Notes: Operated by Blue Circle Industries PLC. Site extracts clay to be mixed with water to form a slurry which is pumped via pipeline under the Thames to the Kent cement works. The operations in the area commenced before 1939. Tipping was permitted in the early 1950's. There is a considerable reserve of clay in this site.



Essex County Council
MINERALS LOCAL PLAN
Schedule 3
Grange Farm
Blue Circle Cement

INSET No CLd

scale 1:10 000
November 1996



Drawn

9. DEVELOPMENT CONTROL

Introduction

- 9.1** Chapter 6 set out the broad criteria that were used when selecting Preferred Sites. The presumption in favour of future extraction of sand and gravel taking place within the Preferred Sites in accordance with this statutory local plan is in line with the legislative background in Section 54A of the Town and Country Planning Act 1990.
- 9.2** Paragraph 6.33 states that the status as a Preferred Site does not preclude full consideration of the proposals when a detailed application is made.
- 9.3** This guidance, and where necessary policies, is not intended to be a comprehensive checklist when preparing or considering a planning application for mineral extraction but is a useful guide to all parties concerned. As part of the Structure Plan Review process, some of the more detailed policies of the Structure Plan First Alteration have been transferred to the Minerals Local Plan. Detailed Guidelines have been published (see paragraph 9.27 below).

Access

- 9.4** Paragraph 6.11 to 6.16 above describes the basic strategy for getting minerals traffic onto the main road system although, where appropriate other forms of transport are preferred. Sites have been included in the Review because of their ability to obtain effective direct access, albeit via existing junctions in most cases, to the roads at the top of the hierarchy.
- 9.5** Applications will need to show how road access is to be achieved in detail in accordance with Policy MLP3. Anything less than the most direct access onto the main road system is unlikely to be acceptable.

- 9.6 Proposals may require substantial improvement to the junction with the main road network and to the existing road accessing the site. Consultation will be undertaken with the Highways Authority. Normally applicants will be required to finance essential highway improvements where such works are required as a direct result of the proposals. A road improvement in the Highway Authority's programme cannot be brought forward for the convenience of an application. If the applicant is prepared to make a substantial (and substantial includes 100%) contribution to the cost of the improvement this will be considered and alterations may be possible to the programme.
- 9.7 Vehicles must leave the site in a clean condition and on-site facilities will be expected as part of the proposals to achieve this.
- 9.8 Occasionally, control over the number and or timing of lorry movements will be required where highway or environmental conditions dictate. In some cases a lorry routing agreement will be necessary.
- 9.9 To achieve those improvements, requirements and controls applications should include these details and where appropriate conditions will be attached to permissions or obligations sought (currently Section 106 of the 1990 Act).

Agriculture

- 9.10 Structure Plan Policies NR2 and NR25 (see Appendix 1) are relevant, stating that high grade land should not be lost or worked where land of a lower grade is available. Structure Plan Policy NR25 has been transferred to this Plan as Policy MLP8.

POLICY MLP8

PLANNING PERMISSION WILL NOT NORMALLY BE GIVEN FOR THE WORKING OF MINERALS UNLESS THE LAND CONCERNED IS CAPABLE OF BEING RESTORED WITHIN A REASONABLE TIME TO A CONDITION SUCH AS TO MAKE POSSIBLE AN APPROPRIATE AND BENEFICIAL AFTER-USE. WHERE PLANNING PERMISSION FOR

MINERAL WORKING IS GIVEN ON GRADE 1, 2 OR 3A OF THE MINISTRY OF AGRICULTURE'S LAND CLASSIFICATION, THE LAND WILL BE REQUIRED TO BE RESTORED WITHIN A REASONABLE TIME AND AS NEARLY AS POSSIBLE TO ITS FORMER AGRICULTURAL QUALITY. WHERE FILLING MATERIAL IS NECESSARY, PERMISSION WILL NOT BE GIVEN UNTIL IT IS SHOWN THAT SUITABLE MATERIAL WILL BE AVAILABLE AND THAT THE COMPATIBILITY OF THE LANDFILL GAS AND LEACHATE MONITORING AND CONTROL STRUCTURES AND PROCESSES WITH THE AFTERUSE IS DEMONSTRATED. WHEREVER POSSIBLE LAND PERMITTED FOR MINERAL WORKING WILL BE RESTORED TO AGRICULTURAL USE, BUT DUE REGARD WILL ALSO BE HAD TO THE NEED FOR AREAS FOR NATURE CONSERVATION, WATER-BASED RECREATION, AFFORESTATION AND LEISURE ACTIVITIES. WHERE PERMISSION IS GIVEN, CONDITIONS WILL BE IMPOSED TO SECURE:

- (i) PROGRESSIVE WORKING AND RESTORATION; AND
- (ii) AFTERCARE AND MAINTENANCE OF THE RESTORED LAND FOR NOT LESS THAN 5 YEARS, AND
- (iii) A BENEFICIAL AFTER USE OF THE RESTORED LAND INCLUDING THE USE OF AREAS THAT REMAIN WATERFILLED.

9.11 Proposals are not favoured on land graded 3A and above of the Ministry of Agriculture's Agricultural Land Classification, where land of a lower quality has been identified as being available. However, evidence from a limited number of restoration sites has demonstrated that, given certain pre-conditions, it will in many cases be possible to restore land to a high agricultural quality after sand and gravel extraction. The necessary pre-conditions are:-

- a) A comprehensive restoration plan appropriate to site physical conditions and the proposed method of implementation.
- b) Close site supervision to ensure that the restoration plan is fully implemented.

- c) Sympathetic and appropriate management throughout the aftercare period.

Where proposals include the importation of fill material to achieve restoration this is likely to involve the installation of monitoring and control facilities under the terms of the site licence. A further pre-condition, especially in relation to high quality land is:

- d) Where imported material is used for restoration, any proposed monitoring and control facilities are identified and the feasibility of full agricultural restoration demonstrated, in the light of these facilities, at application stage.

Working and Reclamation

9.12 An integral aspect of mineral extraction is the land form and land use after completion of operations. It will be required that applications for working will show how the site is to be restored, to what afteruse it is to be put and include proposals for landscaping and aftercare or management of the site for a period of 5 years. Advice will be sought from the Ministry of Agriculture, Fisheries and Food (MAFF) and other consultees. Restoration should be progressive and keep pace with extraction to minimise the area open for working at any time and ensure that the site is fully restored very shortly after extraction ceases. Acceptable afteruses are normally agriculture and forestry. Some sites offer opportunities for appropriate recreational facilities or nature conservation in accordance with the Policies of the Structure Plan and may be restored to facilitate such provision; some forms of afteruse will require separate applications for planning permission which will be determined by the District Planning Authority. Structure Plan Policy NR25 is concerned with restoration, aftercare and afteruse and has been adopted as Policy MLP8. MPG7 provides policy legislative and technical guidance on these topics, including information required by the MPA to assess the feasibility of restoration proposals.

9.13 In addition to including sufficient detail to demonstrate that the pre-condition set out in paragraph 9.11 above will be met, applicants will need to include an agricultural appraisal. The views of MAFF will be taken into account when deciding applications. Similarly the NRA's views will be taken into account in accordance with Structure Plan Policy NR21 with reference to their publication "Policy and Protection of Groundwater".

- 9.14 Successful working of minerals and site restoration depends very much on the resources and ability of the operating company. When giving consideration to new working proposals the Mineral Planning Authority will have regard to the condition of other sites controlled or formally managed by the applicants.

POLICY MLP9

IN CONSIDERING PLANNING APPLICATIONS FOR MINERAL WORKING OR RELATED DEVELOPMENT, THE MINERAL PLANNING AUTHORITY WILL PERMIT ONLY THOSE PROPOSALS WHERE THE PROVISIONS FOR WORKING AND RECLAMATION CONTAINED IN THE APPLICATION ARE SATISFACTORY AND THE IMPLEMENTATION OF THE PROPOSALS IS FEASIBLE.

Landscape and Nature Conservation

- 9.15 Proposals will need to demonstrate satisfactorily that mineral working would be acceptable in the landscape; that existing landscape features, such as water courses and areas, woodlands, trees and hedgerows are retained where possible; that wildlife habitats (identified by a recognised national wildlife body) are preserved and that workings can be assimilated into the surrounding area by landscaping and sympathetic land form.

Mineral Working and Dwellings

- 9.16 The Preferred Sites have been selected generally well away from existing settlements. The Review seeks to minimise the number of individual residences, small groups or other occupied buildings in the countryside which could be subjected to the disturbance that mineral workings can cause. When operational schemes are considered as part of detailed application, operations will not be permitted within 100m of the walls of any dwelling unless exceptional circumstances prevail. Equal considerations will apply to other forms of habitation. In some cases a greater distance may be required, particularly in relation to settlements and groups of dwellings. In cases where mineral working is generally

acceptable, measures will be required to be taken, where appropriate, to ameliorate visual and aural disturbance, for example by early planting schemes and earth bunding. Listed buildings affected will need special consideration. Structure Plan Policy NR23 is concerned with the protection of public safety and local amenity. MPG11 is concerned with mineral workings and noise.

Processing Plant and Buildings

- 9.17 Careful consideration will be given to the siting of plant and buildings. Processing plant required as part of mineral operations is generally permitted by the General Development Order. In exceptional circumstances, particularly in exposed and sensitive locations, these rights will be removed to enable the Mineral Planning Authority to control the siting, location and appearance of such plant on mineral working sites. Permission will not normally be given to import material to the site for processing. Ancillary buildings essential to the operation of the particular site will generally be accepted. Other secondary treatment plants such as for tarmacadam, ready mixed concrete, or block/tile/brickmaking will be considered on their merits but regard will be had to the need to be located on the site judged against planning policies for industrial uses in rural areas. When extraction ceases all plant, buildings and other structures will be required to be cleared from the site. Structure Plan Policy NR31 concerns processing plant and is now transferred to this Plan as Policy MLP10. Structure Plan Policy NR32 concerns ancillary development and is transferred to this Plan as Policy MLP11.

POLICY MLP10

THE PRIMARY PROCESSING PLANT WILL NORMALLY BE EXPECTED TO BE LOCATED WITHIN THE LIMITS OF ANY MINERAL WORKING AT EITHER A LOW LEVEL OR WITH THE STEP BEING TAKEN TO MITIGATE ITS VISUAL AND AURAL IMPACT. SITES WITH THEIR OWN PROCESSING PLANT WILL BE PREFERRED TO MINIMISE MOVEMENT OF MATERIAL ON PUBLIC ROADS AND, BY CONDITIONS IMPOSED ON PERMISSION, PLANT WILL NOT NORMALLY BE AVAILABLE FOR MATERIAL IMPORTED ON TO THE SITE.

POLICY MPL11

PLANT FOR THE SECONDARY TREATMENT OF MINERALS WILL ONLY BE ACCEPTABLE FOR LOCATION ON MINERAL EXTRACTION OR PROCESSING SITES WHERE IT CAN BE DEMONSTRATED THAT THE USE WILL NOT CAUSE UNACCEPTABLE ENVIRONMENTAL CONDITIONS OR TRAFFIC PROBLEMS AND THAT THE MINERAL WON FROM THE ASSOCIATED WORKING WILL FORM THE BULK OF MATERIAL USED IN THE PROCESS. SUCH PLANT WILL BE REMOVED WHEN MINERAL EXTRACTION OR PROCESSING CEASES.

Archaeology

- 9.18 The MPA will follow the guidelines stated in PPG16 "Archaeology and Planning". There will be a presumption in favour of the physical preservation of nationally important archaeological sites and their settings. Mineral extraction adversely affecting Ancient Monuments (Structure Plan Policy C6) and Sites of Outstanding Archaeological Interest (Policy C4) will not normally be permitted. Where important archaeological remains may be affected by extraction, applicants may be requested to arrange for an archaeological field evaluation prior to a decision being made on the application. This will enable an informed decision to be made by the planning authority. Where the preservation in situ of archaeological sites is not warranted, extraction will only be permitted subject to the applicants being able to demonstrate that satisfactory provision will be made for archaeological investigation and recording. This will be in accordance with a scheme which has been submitted in writing and approved by the planning authority. Applications and schemes of working will be expected to have regard to the Minerals Code of Practice endorsed by the Confederation of British Industry.

Programming

- 9.19 The Mineral Planning Authority will require applications to include proposals for the phasing of operations within the site, and where appropriate, applicants may be requested to provide a total programme of extraction for all sites within their control in the County. Formal agreements and conditions may be sought to regulate phased working, and to ensure that such land that is permitted is worked within a reasonable timescale.

POLICY MLP12

PLANNING APPLICATIONS FOR MINERAL WORKING MUST INCLUDE A PROGRAMME FOR WORKING WITHIN THE SITE. A TOTAL PROGRAMME OF EXTRACTION AND SUPPLY OF MINERALS MAY BE SOUGHT, COVERING ALL SITES WITHIN THE APPLICANTS' CONTROL THROUGHOUT THE COUNTY. VOLUNTARY OBLIGATIONS MAY BE ENTERED INTO WHERE APPROPRIATE.

Rights of Way

- 9.20** Mineral working often requires diversion of Definitive Public Rights of Way. Full details of any diversion or protection of existing footpaths will be required. Where practical the diversion will be a temporary one and restoration of the site will include reinstatement of the right of way. Where appropriate new rights of way will be encouraged in accordance with new Structure Plan Policy L7A. (Appendix 1).

Environmental Assessment

- 9.21** The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988-1992 (The Regulations) set out the legal requirements and framework for major projects to be assessed in a recognised manner.
- 9.22** Schedule 1 of the Regulations describes proposals which require an Environmental Assessment (EA) in every case. Mineral extraction is not specifically referred to but if a proposal also involves disposal of "special waste" Schedule 1 may be relevant.
- 9.23** Schedule 2 of the Regulations describes proposals where an EA is required if the MPA consider the proposal is likely to have "significant environmental effects". Circular 15/88 provides some guidance.
- 9.24** An extract from "The Essex Guide to Environmental Assessment" (1992) is reproduced at Appendix 3 to this Plan.

- 9.25 A planning application for mineral extraction made to the MPA which is not accompanied by an EA will be considered. The MPA then has just three weeks to notify the applicant that an EA is required if it considers the proposals will have significant environmental effects, and statutory procedures apply.

Recycling Sites

- 9.26 See Chapter 7 on guidance for location of such facilities.

Development Control

- 9.27 The Department of the Environment has published detailed guidelines for applicants. These act as an aid to applicants, and assist the public, on the form, content of and requirements for planning applications for mineral extraction (and/or waste management facilities). Chapter 9, assisted by the DOE guidelines, satisfies paragraph 3.11 of PPG12 to provide detailed development control guidelines. Planning applications will be expected to have regard to these guidelines and will be judged accordingly. Policy MLP13 provides a basis for encouraging the best and rejecting the unacceptable.

POLICY MLP13

PLANNING APPLICATIONS FOR MINERAL EXTRACTION AND RELATED DEVELOPMENT WILL BE REFUSED WHERE THERE WOULD BE AN UNACCEPTABLE EFFECT ON ANY OF THE FOLLOWING:

**THE VISUAL AND AURAL ENVIRONMENT;
LOCAL RESIDENTS' (OR OTHERS') AMENITY;
LANDSCAPE AND THE COUNTRYSIDE;
THE HIGHWAY NETWORK;
WATER RESOURCES;
NATURE CONSERVATION.**

10. PROVISION FOR MONITORING, IMPLEMENTATION AND REVIEW

- 10.1** The Review will be implemented by the County Council as Mineral Planning Authority in the exercise of its statutory responsibility in determining planning applications in accordance with its policies and the provisions of this Plan.
- 10.2** Success of the Review depends upon the co-operation of all parties and will be measured by the steady release of reserves to meet MPG6, working of Preferred Sites rather than others, adherence to the criteria and constraints listed, minimisation of disturbance caused by mineral working and associated transportation, and the protection of attractive countryside and agricultural land.
- 10.3** Continual monitoring of the Review will be undertaken by the Mineral Planning Authority by:
- (a) The publication of annual statements of the quantity of aggregates permitted and refused.
 - (b) Having regard to the results of surveys on the level of sales of land won sand and gravel and other aggregates, the level of the permitted reserves and the movement of aggregates to the market location.
 - (c) By the monitoring of the restoration of sites and production of periodic statements.
- 10.4** To ensure flexibility of the Review the Mineral Planning Authority will publish future Reviews every four years when account will be taken of matters such as changes in National, Regional and County policies; need; landbanks; production levels; appeal decisions and any other relevant information. Should it become clear that a Preferred Site is unavailable for working within the Plan period or that no planning application has been made then this is likely to be taken into account. In this way the Plan period will be rolled forward at each Review.

Appendix 1

Structure Plan extract and Policies relevant to Mineral working

APPENDIX 1**STRUCTURE PLAN POLICIES APPROPRIATE TO MINERALS EXTRACTION**

This is the section on Minerals in the Approved Structure Plan First Alteration:

“7.6 Minerals

7.6.1 Essex has extensive mineral resources, principally sand and gravel, which are of national, regional and County significance. Minerals are required by the construction and civil engineering industries as a raw material for building homes, roads, schools, and other buildings which are needed by the community at large. In common with many forms of development which serve the wider public good, mineral extraction and related operations can be an environmental burden to the local community within which the site is located.

7.6.2 The overall aim of the County Council, as Mineral Planning Authority (MPA), must be to enable sufficient resources of minerals to be available with planning permission for extraction to contribute to regional needs, at the least environmental cost. The MPA are guided by Government policy in the form of Mineral Planning Guidance (MPG) Notes and take part in Regional decision making through the South-East Regional Aggregates Working Party (SERAWP).

7.6.3 Mineral extraction can only take place where reserves are present, which is within the Essex countryside. Many planning policies seek to prevent inappropriate development which would cause environmental damage to the countryside and mineral extraction is often an operation with potential for environmental harm. It can take agricultural land out of production; it is often unattractive in the landscape; processing plant is incongruous; the use of heavy lorries to transport material causes further problems. Archaeological features need to be protected or, where acceptable, scope must be given for exposure and recording.

- 7.6.4 *Mineral extraction is a temporary use of land which requires restoration and a beneficial afteruse. Often this requires importation of fill material of various kinds in order to restore to original ground levels. In other cases the land can be restored to lower levels without filling. The proper restoration of the site is an integral and important part of any proposal for planning permission and the highest standards of working and restoration will be sought.*
- 7.6.5 *In most cases the land must be restored back to good quality agricultural land although often opportunities for countryside recreation and nature conservation arise from restored sites.*
- 7.6.6 *New policies have been introduced in the First Alteration. NR19A reflected Government policy in MPG6 regarding the provision of landbanks. It was further refined in Policy 1 of the Minerals Subject Plan, and is now being incorporated in the Second Alteration to the Structure Plan.*
- 7.6.7 *Policy NR31 encourages all extraction sites to have their own processing plant which should not be available to process imported material. Policy NR32 discourages inappropriate secondary plant or mineral sites which are subject to Rural Area and Green Belt policies. Primary processing plant may be an exception to those policies but generally other activities are not.*
- 7.6.8 *Finally Policy NR33 encourages facilities for the importation of material to satisfy rising demand given that production of land-won material, by virtue of regional policy, will remain at a constant level.*

Sand and gravel

- 7.6.9 *Essex is the largest producer of land-won sand and gravel in the South-East Region. Historically over 20% of the Region's production comes from Essex. Depletion of resources and environmental constraints mean that increases in the Regional demand of aggregates must be met from imported material, chiefly crushed rock from Scotland and Norway. Marine dredged gravel, recycling and use of waste material from industrial processes, all make a contribution to aggregate supply.*

- 7.6.10 The level of contribution that Essex is expected to make to Regional production is decided by an apportionment exercise. Based on past and future levels of production within the Counties, Mineral Planning Authorities agree how the Regional level of production can be met, County by County.*
- 7.6.11 Essex exports a substantial portion of gravel production to London by road and rail. All Counties in the Region must continue to maintain their proportional share of Regional Production. If they cannot then Essex would be unable and unwilling to increase its share such that Regional production overall could decline.*
- 7.6.12 Government policy in MPG6 is that a landbank of permitted reserves of aggregates should be maintained sufficient for at least 10 years' extraction unless exceptional circumstances prevail. At the end of 1991 there will be a landbank of permitted sand and gravel reserves in Essex equivalent to over 11 years' production.*
- 7.6.13 In MPG1 it is also required that policies are sufficiently flexible to ensure that adequate production capacity be maintained to enable requirements to be met.*
- 7.6.14 The maintenance of landbanks and maintenance of production capacity are two different requirements. A landbank is composed of all permitted reserves whenever they may be worked. The Mineral Planning Authority has little control over when sites begin and end production or the rate of production, that is a matter for the minerals industry. The landbank ensures that reserves are available without the hurdle or uncertainty of further planning permission. More sophistication than that is not part of Government Guidance.*
- 7.6.15 The maintenance of production capacity for any relevant period at specific levels is not part of Government Guidance and largely beyond the powers and control of the Mineral Planning Authority. It is nonetheless considered that Essex can maintain its contribution to Regional production, following analysis of the figures on sites' production and reserves.*

7.6.16 *As well as maintaining a landbank, the Mineral Planning Authority have adopted a Minerals Local Plan for sand and gravel which identifies future resources, in the form of Preferred Sites which will ensure that the landbank is replenished as new sites are consented.*

7.6.17 *The concept of need is raised by Policy NR19. Mineral working is a disruptive and intrusive operation in the countryside. Operations have an unavoidable visual impact frequently accompanied by obtrusive and noisy plant, and dust. Heavy lorries have all too often in the past been imposed on unsuitable roads and communities on route.*

7.6.18 *Each proposal must be capable of showing need in order to over-ride these objections. MPG1 says that a balance has to be struck between the case for mineral extraction and the protection of the environment. If there is no case because there is no identified need then the environment must be protected.*

7.6.19 *Need relates to the position of the current landbank and whether it is of sufficient size to satisfy the Government's Guidance. If the landbank is too small it must be increased by the grant of new permissions. If it exceeds the 10 year landbank level then it is unnecessary to grant further permissions. This may not apply to Preferred Sites as they come forward where, by the Local Plan process, mineral extraction is expected to take place at some time in the Plan period. To delay permission may not be practical. Non-Preferred Sites, or Preferred Sites which fail to incorporate the Subject Plan's pre-conditions for acceptability, are much more likely to be refused permission on grounds of lack of need.*

7.6.20 *Need, therefore, as incorporated in Policy NR19 is directly related to the size of the landbank. This is a clear measurement of need whereas others - such as the needs of a company or needs of parts of the County are difficult to justify or quantify.*

7.6.21 *Landbanks and production capacity must be considered as a Countywide matter and not broken down into sub-areas which could alter according to circumstances. MPG6 indicates that it is for the Authority to define the relevant area and usually that areas will be the whole County.*

7.6.22 Chalk

Until the late 1970's, chalk was quarried extensively in South Essex for use in the cement-making industry. That industry has now relocated in Kent. This has left areas of uncompleted and in some cases unrestored quarries. In recent years new development in these areas has substantially reduced the problem. Of the areas that remain, continued effort is required to achieve satisfactory restoration although in some cases the landform and natural regeneration have created wildlife habitats and been designated as Sites of Special Scientific Interest.

7.6.23 *On a much smaller scale chalk is still quarried for agricultural use but the demand is small and workings can be controlled by policies for all mineral workings.*

7.6.24 Clay

Clay is still quarried in South Essex and transferred as slurry to Kent by pipeline for use in cement-making. Permitted Reserves are substantial.

7.6.25 *Clay is also quarried at Ongar for use in lightweight aggregate production. Following the Secretary of State's decision on an appeal, this extraction will soon cease. Clay is also extracted for use as a fill and cover material.*

7.6.26 Brickearth

Brick production in Essex uses genuine brickearth and some suitable clays.

7.6.27 *Brickearth deposits are concentrated in the South East of the County where they lie under a high quality agricultural land. Any extraction proposals must include restoration back to original agricultural quality. The deposits lie close to urban areas and may be threatened by forms of development which could sterilise these resources. Policy NR20 indicates that deposits will be safeguarded and the Mineral Planning Authority are likely to object to development proposals which would sterilise valuable mineral resources.*

STRUCTURE PLAN POLICIESA. Minerals

POLICY NR19 MINERAL WORKING WILL BE PERMITTED ONLY WHERE THERE IS AN IDENTIFIED NATIONAL, REGIONAL OR LOCAL NEED FOR THE MINERAL CONCERNED.

POLICY NR19A THE MINERALS PLANNING AUTHORITY WILL ENDEAVOUR TO ENSURE THAT RESERVES OF LAND WON SAND AND GRAVEL ARE AVAILABLE, WITH PLANNING PERMISSION, SUFFICIENT FOR AT LEAST 10 YEARS' EXTRACTION AT THE PRODUCTION LEVEL THAT MAY BE PERIODICALLY AGREED BY THEM, HAVING REGARD TO THE LATEST NATIONAL AND REGIONAL GUIDANCE.

POLICY NR20 WHEREVER POSSIBLE, POTENTIALLY WORKABLE MINERAL DEPOSITS WILL BE SAFEGUARDED FROM SURFACE DEVELOPMENT THAT WOULD STERILISE THE MINERALS OR PREJUDICE THEIR WORKINGS. IF, IN THE OPINION OF THE COUNCIL, SURFACE DEVELOPMENT SHOULD BE PERMITTED, CONSIDERATION WILL BE GIVEN TO THE PRIOR EXTRACTION OF THE MINERALS TO THE EXTENT THAT SUCH EXTRACTION WOULD NOT BE LIKELY TO RENDER THE SITE UNSUITABLE FOR THE DEVELOPMENT PROPOSED.

POLICY NR21 MINERAL WORKINGS WILL NOT BE PERMITTED WHERE SUCH OPERATIONS ARE LIKELY TO HAVE AN UNDUE IMPACT ON THE CONSERVATION OF OTHER NATURAL RESOURCES INCLUDING WATER RESOURCES, SPECIAL LANDSCAPE AREAS, AREAS OF SCIENTIFIC, HISTORIC OR ARCHAEOLOGICAL INTEREST, AND NATURE RESERVES.

POLICY NR23 MINERAL WORKING AND ASSOCIATED ACTIVITIES WILL NOT BE PERMITTED WHERE THEY ARE LIKELY TO HAVE AN ADVERSE EFFECT ON PUBLIC SAFETY AND LOCAL AMENITY, UNLESS PROPOSALS ARE INCLUDED TO ADEQUATELY MITIGATE THE ADVERSE EFFECTS TO THE SATISFACTION OF THE LOCAL PLANNING AUTHORITY.

POLICY NR24 MINERAL WORKING PROPOSALS WILL NOT BE PERMITTED UNLESS THERE IS ACCOMPANYING EVIDENCE THAT THE LAND CONTAINS MINERALS IN SUFFICIENT QUANTITY AND QUALITY.

POLICY NR25 PLANNING PERMISSION WILL NOT NORMALLY BE GIVEN FOR THE WORKING OF MINERALS UNLESS THE LAND CONCERNED IS CAPABLE OF BEING RESTORED WITHIN A REASONABLE TIME TO A CONDITION SUCH AS TO MAKE POSSIBLE AN APPROPRIATE AND BENEFICIAL AFTER-USE. WHERE PLANNING PERMISSION FOR MINERAL WORKING IS GIVEN ON GRADE 1, 2 OR 3A OF THE MINISTRY OF AGRICULTURE'S LAND CLASSIFICATION, THE LAND WILL BE REQUIRED TO BE RESTORED WITHIN A REASONABLE TIME AND AS NEARLY AS POSSIBLE TO ITS FORMER AGRICULTURAL QUALITY. WHERE FILLING MATERIAL IS NECESSARY, PERMISSION WILL NOT BE GIVEN UNTIL IT IS SHOWN THAT SUITABLE MATERIAL WILL BE AVAILABLE. WHEREVER POSSIBLE LAND PERMITTED FOR MINERAL WORKING WILL BE RESTORED TO AGRICULTURAL USE, BUT DUE REGARD WILL ALSO BE HAD TO THE NEED FOR AREAS FOR NATURE CONSERVATION, WATER-BASED RECREATION, AFFORESTATION AND LEISURE ACTIVITIES. WHERE PERMISSION IS GIVEN, CONDITIONS WILL BE IMPOSED TO SECURE:

- (i) PROGRESSIVE WORKING AND RESTORATION; AND
- (ii) AFTERCARE AND MAINTENANCE OF THE RESTORED LAND FOR NOT LESS THAN 5 YEARS, AND
- (iii) A BENEFICIAL AFTER USE OF THE RESTORED LAND INCLUDING THE USE OF AREAS THAT REMAIN WATERFILLED.

POLICY NR26 WHEN MINERAL WORKING IS PERMITTED, PROVISION SHOULD BE MADE FOR USE OF THE MOST APPROPRIATE FORM OF TRANSPORT WITH PREFERENCE FOR THE MOVEMENT OF MATERIALS OVER LONG DISTANCE BY RAIL, SEA OR PIPELINE RATHER THAN BY ROAD.

POLICY NR32 PLANT FOR THE SECONDARY TREATMENT OF MINERALS WILL ONLY BE ACCEPTABLE FOR LOCATION ON MINERAL EXTRACTION OR PROCESSING SITES WHERE IT CAN BE DEMONSTRATED THAT THE USE WILL NOT CAUSE UNACCEPTABLE ENVIRONMENTAL CONDITIONS OR TRAFFIC PROBLEMS AND THAT THE MINERAL WON FROM THE ASSOCIATED WORKING WILL FORM THE BULK OF MATERIAL USED IN THE PROCESS. SUCH PLANT WILL BE REMOVED WHEN MINERAL EXTRACTION OR PROCESSING CEASES.

POLICY NR33 THE PROVISION OF DEPOTS FOR MINERAL IMPORTATION AND DISTRIBUTION, EITHER BY RAIL OR WATER WILL BE ENCOURAGED SUBJECT TO THE SUITABILITY OF THE SITE IN TERMS OF ITS IMPACT ON THE ENVIRONMENT, ACCESS TO THE PRIMARY ROAD NETWORK, AND ACCEPTANCE IN TERMS OF OTHER POLICY CONSIDERATIONS.

B. Agriculture/Landscape/Nature Conservation/Archaeology

POLICY NR2 DEVELOPMENT WHICH WOULD RESULT IN THE PERMANENT LOSS OF LAND INCLUDED IN GRADES 1, 2 AND 3A OF THE MINISTRY OF AGRICULTURE, FISHERIES AND FOOD LAND CLASSIFICATION WILL NORMALLY BE REFUSED UNLESS IT CAN BE SHOWN THAT NO SUITABLE ALTERNATIVE SITE OF LESSER AGRICULTURAL VALUE IS POSSIBLE AND THERE IS AN OVER-RIDING NEED FOR THE DEVELOPMENT.

POLICY NR6 THERE WILL BE A PRESUMPTION AGAINST ANY DEVELOPMENT WHICH WOULD ADVERSELY AND MATERIALLY AFFECT DESIGNATED NATIONAL NATURE RESERVES AND SITES OF SPECIAL SCIENTIFIC INTEREST.

POLICY NR7 PROPOSALS FOR NEW NATURE RESERVES IN APPROPRIATE LOCATIONS WILL BE ENCOURAGED AND EXISTING NATURE RESERVES WILL BE PROTECTED FROM DEVELOPMENT AS FAR AS POSSIBLE.

POLICY NR8 DEVELOPMENT PREJUDICIAL TO THE RETENTION AND MANAGEMENT OF IMPORTANT WILDLIFE HABITATS AND THEIR INTER-RELATIONSHIPS WILL NORMALLY BE REFUSED.

POLICY NR9 THERE WILL BE A PRESUMPTION AGAINST ADDITIONAL DEVELOPMENT IN COUNTRYSIDE CONSERVATION AREAS OTHER THAN THAT ESSENTIAL TO AGRICULTURE, FORESTRY OR RECREATION. THE CO-OPERATION OF THOSE WITH INTERESTS IN LAND IN THE AREA WILL BE ESTABLISHED BY CONSULTATION ARRANGEMENTS.

POLICY NR10 THE NATURAL BEAUTY, AMENITY AND TRADITIONAL QUALITY OF THE ESSEX LANDSCAPE WILL BE PROTECTED, CONSERVED AND ENHANCED. THERE WILL BE A PRESUMPTION AGAINST DEVELOPMENT WHICH WOULD CAUSE PERMANENT LOSS TO, OR DAMAGE TO, THIS LANDSCAPE.

POLICY NR11 NO DEVELOPMENT SHALL TAKE PLACE IN DEDHAM VALE AREA OF OUTSTANDING NATURAL BEAUTY WHICH WOULD CONFLICT WITH CONSERVATION OF THE AREA AND MEASURES FOR ITS MANAGEMENT AND ENHANCEMENT.

POLICY NR12 WITHIN SPECIAL LANDSCAPE AREAS, IN ADDITION TO OTHER POLICIES SET OUT ELSEWHERE IN THIS STATEMENT, THERE WILL BE A PRESUMPTION AGAINST DEVELOPMENT UNLESS ITS LOCATION, SITING, DESIGN, MATERIALS AND LANDSCAPING ACCORD WITH THE CHARACTER OF THE AREA IN WHICH THE DEVELOPMENT IS PROPOSED. THE SPECIAL LANDSCAPE AREAS ARE:

STOUR VALLEY	STOUR COAST
HAMFORD WATER	COLNE VALLEY
WALDEN UPLANDS	PANT VALLEY
UPPER	BLACKWATER-COLNE
BLACKWATER	ESTUARY
	(INCLUDING THE ROMAN
	RIVER VALLEY)
STORT VALLEY	HATFIELD BROAD OAK
CHELMER VALLEY	TERLING
CHELMER-	CAN VALLEY
BLACKWATER	
RIDGES	
EPPING RIDGES	RODING VALLEY
HIGHWOODS	WOODHAM ESCARPMENT
HANNINGFIELD	
DENGIE MARSHES	WEALD
CAM VALLEY	UPPER CROUCH
CHILDERDITCH	HOCKLEY WOODS
CROUCH-ROACH	LANGDON HILLS
MARSHES	
MAR DYKE	HADLEIGH MARSHES

POLICY NR13 IN AREAS WHERE THE LANDSCAPE NEEDS IMPROVEMENT, EMPHASIS WILL BE GIVEN TO MEASURES THAT WILL HELP TO RESTORE AND ENHANCE DAMAGED LANDSCAPE.

POLICY NR13A THE SATISFACTORY RESTORATION OF DERELICT OR DESPOILED LAND TO ACHIEVE APPROPRIATE AFTER-USES WILL BE SOUGHT BY PLANNING CONDITIONS, SECTION 106 AGREEMENTS, ORDERS MADE UNDER THE 1981 MINERALS ACT, OR BY VOLUNTARY ACTION BY INDUSTRY AND/OR THE MINERAL PLANNING AUTHORITY.

- POLICY NR14** IN ORDER TO IMPROVE THE PHYSICAL ENVIRONMENT, ENCOURAGEMENT WILL BE GIVEN TO THE PLANTING OF NATIVE TREES AND SHRUBS. PRIORITY FOR TREE PLANTING SCHEMES WILL BE GIVEN TO AREAS DENUDED OF HEALTHY TREES BY DISEASE OR DECLINE IN THE COURSE OF FARMING CHANGES AND TO THE LANDSCAPE IMPROVEMENT AREAS. THE NEEDS OF GOOD FARMING, TOGETHER WITH THE NEED TO CONSERVE MORE IMPORTANT ELEMENTS OF THE EXISTING LANDSCAPE, WILL BE TAKEN INTO ACCOUNT.
- POLICY NR15** IN PROPOSALS FOR DEVELOPMENT, EXISTING WOODS, TREES AND HEDGEROWS SHOULD BE RETAINED WHEREVER POSSIBLE AND NEW PLANTING OF APPROPRIATE SPECIES WILL NORMALLY BE REQUIRED TO REPLACE ANY LOSSES RESULTING FROM DEVELOPMENT.
- POLICY NR16** EXISTING WOODLANDS SHOULD BE RETAINED WHEREVER POSSIBLE WITH MANAGEMENT APPROPRIATE TO AGE, USE, LOCATION AND SCIENTIFIC INTEREST.
- POLICY NR17** ANY PROPOSALS WHICH WOULD ADVERSELY AFFECT THE PHYSICAL APPEARANCE OF THE PROTECTED LANES OF HISTORIC OR LANDSCAPE VALUE OR GIVE RISE TO A MATERIAL INCREASE IN THE AMOUNT OF TRAFFIC USING THESE LANES WILL NOT NORMALLY BE ALLOWED.
- POLICY NR18** THERE SHALL BE THE MOST STRINGENT RESTRICTIONS ON DEVELOPMENT ON THE RURAL AND UNDEVELOPED COASTLINE OUTSIDE BUILT-UP AREAS AND ANY DEVELOPMENT WHICH IS EXCEPTIONALLY PERMITTED SHALL NOT ADVERSELY AFFECT THE OPEN AND RURAL CHARACTER OR WILDLIFE.
- POLICY C4** DEVELOPMENT WHICH WOULD SUBSTANTIALLY AND ADVERSELY AFFECT AN AREA OR SITE OF OUTSTANDING ARCHAEOLOGICAL INTEREST WILL NOT NORMALLY BE PERMITTED.
- POLICY C5** IMPORTANT ARCHAEOLOGICAL AREAS AND SITES IN THE COUNTY WILL BE PROTECTED AND CONSERVED WHEREVER POSSIBLE.

POLICY C6 WHERE IMPORTANT ARCHAEOLOGICAL SITES AND MONUMENTS, WHETHER SCHEDULED OR NOT, AND THEIR SETTINGS, ARE AFFECTED BY A PROPOSED DEVELOPMENT, THERE WILL BE A PRESUMPTION IN FAVOUR OF THEIR PRESERVATION IN SITU, IN SITUATIONS WHERE THERE ARE GROUNDS FOR BELIEVING THAT THE PROPOSED DEVELOPMENT WOULD AFFECT IMPORTANT ARCHAEOLOGICAL SITES AND MONUMENTS, DEVELOPERS WILL BE REQUIRED TO ARRANGE FOR AN ARCHAEOLOGICAL FIELD ASSESSMENT TO BE CARRIED OUT BEFORE THE PLANNING APPLICATION CAN BE DETERMINED THUS ENABLING AN INFORMED AND REASONABLE PLANNING DECISION TO BE MADE. IN CIRCUMSTANCES WHERE PRESERVATION IS NOT POSSIBLE OR FEASIBLE, THEN DEVELOPMENT WILL NOT BE PERMITTED UNTIL SATISFACTORY PROVISION HAS BEEN MADE FOR A PROGRAMME OF ARCHAEOLOGICAL INVESTIGATION AND RECORDING PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT.

C. Recreation

POLICY L6 THE PROVISION OF RECREATIONAL FACILITIES WITHIN AREAS OF DERELICT OR DESPOILED LAND WILL BE FAVOURABLY CONSIDERED PROVIDING:

- (i) THE USE IS COMPATIBLE WITH ADJOINING USES;
- (ii) THE VISUAL APPEARANCE OF THE AREA IS ENHANCED;
- (iii) THE ECOLOGICAL VALUE OF THE AREA IS NOT IMPAIRED;
- (iv) THE TRAFFIC GENERATED BY THE PROPOSED USE CAN BE ACCOMMODATED BY THE ADJOINING ROAD NETWORK IN BOTH PHYSICAL AND ENVIRONMENTAL TERMS.

POLICY L7A THE NETWORK OF DEFINITIVE PUBLIC RIGHTS OF WAY WILL BE SAFEGUARDED AND IMPROVED AND PUBLICISED. WHERE APPROPRIATE NEW RIGHTS OF WAY WILL BE CREATED.

POLICY L10 THE CREATION OF INLAND WATER WHICH COULD BE BROUGHT INTO RECREATIONAL USE WILL BE ENCOURAGED IN APPROPRIATE PLACES AND IN PARTICULAR WHERE THERE IS A MARKED DEFICIENCY IN WATER SPACE.

POLICY L19 SPORTS FACILITIES WHICH REQUIRE SUBSTANTIAL BUILDINGS, OR WHICH CONFLICT WITH COUNTRYSIDE CONSERVATION POLICIES, WILL NOT NORMALLY BE PERMITTED IN THE COUNTRYSIDE.

D. Transportation

POLICY T2 THE ROAD SYSTEM IN THE COUNTY WILL BE IMPROVED IN ORDER TO ACHIEVE A FUNCTIONAL HIERARCHY OF ROADS BASED ON THE FOLLOWING CATEGORIES:

STRATEGIC MOTORWAY

STRATEGIC PRIMARY ROAD

REGIONAL PRIMARY ROAD

PRINCIPAL COUNTY/URBAN ROAD

POLICY T4 PROPOSALS FOR DEVELOPMENT AFFECTING HIGHWAYS WILL BE CONSIDERED IN RELATION TO THE ROAD HIERARCHY, TO REDUCING AND PREVENTING HAZARDS AND INCONVENIENCE TO TRAFFIC, AND TO THE EFFECTS ON THE TRANSPORT SYSTEM INCLUDING THE PHYSICAL AND ENVIRONMENTAL CAPACITY TO ACCOMMODATE THE TRAFFIC GENERATED.

POLICY T14 LORRIES AND OTHER HEAVY VEHICLES WILL BE DIRECTED TO USE SUITABLE ROUTES BASED ON THE ROAD HIERARCHY. THE PROVISION OF FACILITIES FOR LORRY DRIVERS WILL BE ENCOURAGED RELATED TO STRATEGIC ROUTES.

E. Derelict Land/Waste Disposal

POLICY WD1 SITES FOR DEPOSIT OF WASTE WILL ONLY BE PERMITTED WHERE THERE IS AN IDENTIFIED NATIONAL, REGIONAL OR LOCAL NEED FOR THE FACILITY CONCERNED.

- POLICY WD2** PLANNING PERMISSION WILL NOT NORMALLY BE GIVEN FOR THE DEPOSIT OF WASTE UNLESS THE PROPOSALS PROVIDE FOR:
- (i) THE RESTORATION OF THE LAND TO A SUITABLE CONDITION FOR AN APPROPRIATE AFTER-USE:
 - (ii) PROGRESSIVE FILLING, RESTORATION AND MAINTENANCE OF THE RESTORED LAND (FOR NOT LESS THAN FIVE YEARS AFTER COMPLETION OF TIPPING);
 - (iii) STEPS TO DEAL WITH LEACHATE AND LANDFILL GAS GENERATION FOLLOWING CESSATION OF TIPPING OPERATIONS.
- POLICY WD2A** IN CONSIDERING THE SUITABILITY OF ANY SITE FOR WASTE DISPOSAL THE COUNTY COUNCIL WILL TAKE ACCOUNT OF LANDFILL ALREADY AVAILABLE FOR THE DEPOSIT OF WASTE AND MAY REFUSE PERMISSION IF THERE IS ADEQUATE ALTERNATIVE PROVISION.
- POLICY WD3** PLANNING PERMISSION WILL NOT BE GIVEN FOR THE DEPOSIT OF WASTE WHERE IT IS LIKELY TO HAVE AN ADVERSE EFFECT ON PUBLIC SAFETY, LOCAL ENVIRONMENT OR UNDERGROUND AND SURFACE WATERS, UNLESS PROPOSALS ARE INCLUDED TO FULLY MITIGATE THE ADVERSE EFFECTS.
- POLICY WD3A** PLANNING PERMISSION WILL ONLY BE GIVEN FOR THE DEPOSIT OF WASTE WHERE THE TRANSPORT OF WASTE MATERIALS TO AND FROM THE DISPOSAL SITE IS UNLIKELY TO CAUSE ENVIRONMENTAL DAMAGE, OR SIGNIFICANT LOSS OF AMENITY TO RESIDENTIAL PROPERTIES.
- POLICY WD4** THE DEPOSIT OF WASTE WILL NOT NORMALLY BE PERMITTED ON LAND IN NATURE RESERVES, SITES OF SPECIAL SCIENTIFIC INTEREST, SITES OF ARCHAEOLOGICAL OR HISTORIC INTEREST, OR WHERE IT WOULD HAVE AN UNDUE IMPACT ON THE ENVIRONMENT, OR WHERE IT WOULD CONFLICT WITH COUNTRYSIDE CONSERVATION POLICIES.
- POLICY WD5** THE DEPOSIT OF WASTE WILL NOT NORMALLY BE PERMITTED ON LAND IN AGRICULTURAL USE.

Appendix 2

Schedule of Policies

APPENDIX 2**POLICY MLP 1**

THE MINERAL PLANNING AUTHORITY WILL ENDEAVOUR TO ENSURE THAT RESERVES OF LAND WON SAND AND GRAVEL ARE ALWAYS AVAILABLE, WITH PLANNING PERMISSION, SUFFICIENT FOR AT LEAST SEVEN YEARS' EXTRACTION OR SUCH OTHER PERIOD AGREED AS NATIONAL POLICY, BASED ON THE PRODUCTION LEVEL THAT MAY BE PERIODICALLY AGREED BY THEM AS PART OF THE REGIONAL APPORTIONMENT EXERCISE.

POLICY MLP 2

MINERAL WORKING WILL BE PERMITTED ONLY WHERE THERE IS AN IDENTIFIED NATIONAL, REGIONAL OR LOCAL NEED FOR THE MINERAL CONCERNED.

IN THE CASE OF PREFERRED SITES THE PRINCIPLE OF EXTRACTION HAS BEEN ACCEPTED AND THE NEED FOR THE RELEASE OF THE MINERAL PROVEN. APPLICATIONS WOULD BE ALLOWED UNLESS THE PROPOSAL FAILS TO MEET A PRE-CONDITION OR REQUIREMENT IN SCHEDULE 1 OR THERE ARE UNFORESEEN UNACCEPTABLE ENVIRONMENTAL OR OTHER PROBLEMS.

POLICY MLP 3

- 1 ACCESS FROM A MINERAL WORKING WILL PREFERABLY BE BY A SHORT LENGTH OF EXISTING ROAD TO THE MAIN HIGHWAY NETWORK, DEFINED IN STRUCTURE PLAN POLICY T2, VIA A SUITABLE EXISTING JUNCTION IMPROVED IF REQUIRED, IN ACCORDANCE WITH STRUCTURE PLAN POLICIES T4 AND T14.
2. PROPOSALS FOR NEW ACCESS DIRECT TO THE MAIN HIGHWAY NETWORK MAY EXCEPTIONALLY BE ACCEPTED WHERE NO OPPORTUNITY EXISTS FOR USING A SUITABLE EXISTING ACCESS OR JUNCTION, AND WHERE IT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE COUNTY COUNCIL'S HIGHWAY STANDARDS. THERE IS A PRESUMPTION AGAINST NEW ACCESS ONTO MOTORWAYS OR STRATEGIC TRUNK ROADS.
3. WHERE ACCESS TO THE MAIN HIGHWAY NETWORK IS NOT FEASIBLE, ACCESS ONTO A SECONDARY ROAD BEFORE GAINING ACCESS ONTO THE NETWORK MAY EXCEPTIONALLY BE ACCEPTED IF IN THE OPINION OF MPA THE CAPACITY OF THE ROAD IS ADEQUATE AND THERE WILL BE NO UNDUE IMPACT ON ROAD SAFETY OR THE ENVIRONMENT.

POLICY MLP 4

PROPOSALS FOR SAND AND GRAVEL WORKING ON SITES OTHER THAN THOSE LISTED IN SCHEDULE 1 WILL BE PERMITTED ONLY WHERE:-

- i) THE RESERVES COMPRISING THE LANDBANK ARE INSUFFICIENT AND / OR THERE IS SOME OTHER OVER-RIDING JUSTIFICATION OR BENEFIT FOR THE RELEASE OF THE SITE; AND
- ii) THE PROPOSAL WOULD BE ENVIRONMENTALLY ACCEPTABLE.

POLICY MLP 5

PROPOSALS FOR AGGREGATE RECYCLING PLANTS WILL BE CONSIDERED ON MERIT. LOCATIONS IN INDUSTRIAL AREAS AND MINERAL WORKINGS AND WASTE DISPOSAL SITES MAY BE APPROPRIATE PROVIDED THAT, IN EACH CASE, THE USE WILL NOT CAUSE UNACCEPTABLE ENVIRONMENTAL AND TRAFFIC PROBLEMS. SUCH PLANT ON MINERAL WORKINGS AND WASTE DISPOSAL SITES SHALL BE REMOVED WITHIN THE TIMESCALE ALREADY PERMITTED FOR THE MAIN OPERATION OF THE SITE

POLICY MLP 6

THE MINERAL PLANNING AUTHORITY WILL ENCOURAGE THE PROVISION OF RAIL DEPOTS FOR MINERAL IMPORTATION AND DISTRIBUTION AND SEEK TO PROTECT EXISTING SITES SHOWN IN SCHEDULE 2. THE SITE MUST BE SUITABLE IN TERMS OF ENVIRONMENTAL IMPACT AND IN COMPLIANCE WITH POLICY MLP 3 OF THIS PLAN.

POLICY MLP 7

THE MINERAL PLANNING AUTHORITY WILL ENCOURAGE THE PROVISION OF MARINE WHARVES FOR MINERAL IMPORTATION OR FOR LANDING OF MARINE DREDGED AGGREGATES SUBJECT TO CONSIDERATION OF THE ENVIRONMENTAL IMPACT ON THE SURROUNDING AREA. THERE WILL BE A PRESUMPTION IN FAVOUR OF ONWARD DISTRIBUTION BY RAIL AND BARGE. ANY ROAD ACCESS SHALL BE IN ACCORDANCE WITH POLICY MLP 3 OF THIS PLAN. THE SITES SHOWN IN SCHEDULE 2 SHALL BE SAFEGUARDED FOR THE IMPORTATION OF AGGREGATES EITHER MARINE DREDGED OR FROM OTHER SOURCES, SITES SHOWN IN SCHEDULE 2A ARE ENCOURAGED TO PROVIDE AGGREGATE WHARVES. CHANGES TO OTHER CARGOES AT EXISTING AGGREGATES TERMINALS WILL BE DISCOURAGED BY THE COUNTY COUNCIL.

POLICY MLP 8

PLANNING PERMISSION WILL NOT NORMALLY BE GIVEN FOR THE WORKING OF MINERALS UNLESS THE LAND CONCERNED IS CAPABLE OF BEING RESTORED WITHIN A REASONABLE TIME TO A CONDITION SUCH AS TO MAKE POSSIBLE AN APPROPRIATE AND BENEFICIAL AFTER-USE. WHERE PLANNING PERMISSION FOR MINERAL WORKING IS GIVEN ON GRADE 1, 2 OR 3A OF THE MINISTRY OF AGRICULTURE'S LAND CLASSIFICATION, THE LAND WILL BE REQUIRED TO BE RESTORED WITHIN A REASONABLE TIME AND AS NEARLY AS POSSIBLE TO ITS FORMER AGRICULTURAL QUALITY. WHERE FILLING MATERIAL IS NECESSARY, PERMISSION WILL NOT BE GIVEN UNTIL IT IS SHOWN THAT SUITABLE MATERIAL WILL BE AVAILABLE AND THAT THE COMPATIBILITY OF THE LANDFILL GAS AND LEACHATE MONITORING AND CONTROL STRUCTURES AND PROCESSES WITH THE AFTERUSE IS DEMONSTRATED. WHEREVER POSSIBLE LAND PERMITTED FOR MINERAL WORKING WILL BE RESTORED TO AGRICULTURAL USE, BUT DUE REGARD WILL ALSO BE HAD TO THE NEED FOR AREAS FOR NATURE CONSERVATION, WATER-BASED RECREATION, AFFORESTATION AND LEISURE ACTIVITIES. WHERE PERMISSION IS GIVEN, CONDITIONS WILL BE IMPOSED TO SECURE:

- (i) PROGRESSIVE WORKING AND RESTORATION; AND
- (ii) AFTERCARE AND MAINTENANCE OF THE RESTORED LAND FOR NOT LESS THAN 5 YEARS, AND
- (iii) A BENEFICIAL AFTER USE OF THE RESTORED LAND INCLUDING THE USE OF AREAS THAT REMAIN WATERFILLED.

POLICY MLP 9

IN CONSIDERING PLANNING APPLICATIONS FOR MINERAL WORKING OR RELATED DEVELOPMENT, THE MINERAL PLANNING AUTHORITY WILL PERMIT ONLY THOSE PROPOSALS WHERE THE PROVISIONS FOR WORKING AND RECLAMATION CONTAINED IN THE APPLICATION ARE SATISFACTORY AND THE IMPLEMENTATION OF THE PROPOSALS IS FEASIBLE.

POLICY MLP 10

THE PRIMARY PROCESSING PLANT WILL NORMALLY BE EXPECTED TO BE LOCATED WITHIN THE LIMITS OF ANY MINERAL WORKING AT EITHER A LOW LEVEL OR WITH THE STEP BEING TAKEN TO MITIGATE ITS VISUAL AND AURAL IMPACT. SITES WITH THEIR OWN PROCESSING PLANT WILL BE PREFERRED TO MINIMISE MOVEMENT OF MATERIAL ON PUBLIC ROADS AND, BY CONDITIONS IMPOSED ON PERMISSION, PLANT WILL NOT NORMALLY BE AVAILABLE FOR MATERIAL IMPORTED ON TO THE SITE.

POLICY MLP 11

PLANT FOR THE SECONDARY TREATMENT OF MINERALS WILL ONLY BE ACCEPTABLE FOR LOCATION ON MINERAL EXTRACTION OR PROCESSING SITES WHERE IT CAN BE DEMONSTRATED THAT THE USE WILL NOT CAUSE UNACCEPTABLE ENVIRONMENTAL CONDITIONS OR TRAFFIC PROBLEMS AND THAT THE MINERAL WON FROM THE ASSOCIATED WORKING WILL FORM THE BULK OF MATERIAL USED IN THE PROCESS. SUCH PLANT WILL BE REMOVED WHEN MINERAL EXTRACTION OR PROCESSING CEASES.

POLICY MLP 12

PLANNING APPLICATIONS FOR MINERAL WORKING MUST INCLUDE A PROGRAMME FOR WORKING WITHIN THE SITE. A TOTAL PROGRAMME OF EXTRACTION AND SUPPLY OF MINERALS MAY BE SOUGHT, COVERING ALL SITES WITHIN THE APPLICANTS' CONTROL THROUGHOUT THE COUNTY. VOLUNTARY OBLIGATIONS MAY BE ENTERED INTO WHERE APPROPRIATE.

POLICY MLP 13

PLANNING APPLICATIONS FOR MINERAL EXTRACTION AND RELATED DEVELOPMENT WILL BE REFUSED WHERE THERE WOULD BE AN UNACCEPTABLE EFFECT ON ANY OF THE FOLLOWING:

- THE VISUAL AND AURAL ENVIRONMENT;
- LOCAL RESIDENTS' (OR OTHERS') AMENITY;
- LANDSCAPE AND THE COUNTRYSIDE;
- THE HIGHWAY NETWORK;
- WATER RESOURCES;
- NATURE CONSERVATION.

Appendix 3

The Essex Guide to Environmental Assessment (1992)

APPENDIX 3

THE ESSEX GUIDE TO ENVIRONMENTAL ASSESSMENT (1992)

EXTRACT FROM <u>SCHEDULE 2 OF THE REGULATIONS</u>	EXTRACT FROM APPENDIX A OF <i>CIRCULAR 15/88</i>
DESCRIPTIONS OF DEVELOPMENT	ADDITIONAL ADVICE FOR PROJECTS <i>IN ESSEX GIVEN IN BOXES</i>
<p>2. Extractive industry</p> <p>(a) extracting peat</p> <p>(b) deep drilling, including in particular -</p> <p>(i) geothermal drilling</p> <p>(ii) drilling for the storage of nuclear waste material</p> <p>(iii) drilling for water supplies but excluding drilling to investigate the stability of the soil.</p> <p>(c) extracting minerals (other than metalliferous and energy-producing minerals) such as marble, sand, gravel, shale, salt, phosphates and potash.</p> <p>(d) extracting coal or lignite by underground or open-cast mining.</p>	<p><i>Extractive industry</i></p> <p><i>Exploratory deep drilling</i> would not normally require EA unless the site is in a sensitive location or unless the site is unusually sensitive to limited disturbance occurring over the short period involved. It would not be appropriate to require EA for exploratory activity simply because it might eventually lead to production of oil or gas.</p> <p>Whether or not mineral workings would have significant effects so as to require EA will depend upon such factors as the sensitivity of the location, size, working methods, the proposals for disposing of waste, the nature and extent of processing and ancillary operations and arrangements for transporting minerals away from the site. The duration of the proposed workings is also a factor to be taken into account.</p> <p>It is established mineral planning policy that minerals applications in national parks and areas of outstanding natural beauty should be subject to the most rigorous examination, and this should generally include EA.</p> <div data-bbox="826 1727 1355 1975" style="border: 1px solid black; padding: 5px;"> <p>There are no National Parks in Essex, but there is an Area of Outstanding Natural Beauty in the Dedham Vale in the north-east of the County - details available from Countryside Commission, (address in Appendix B).</p> </div>

POSSIBLE EA PROJECTS

THE REGULATIONS Cont.**CIRCULAR 15/88 Advice Cont.****ESSEX ADVICE IN BOXES**

All new **deep mines**, apart from small mines, may merit EA. For **opencast coal mines and sand and gravel workings**, sites of more than 50 ha may well require EA and significantly smaller sites could require EA if they are in a sensitive area or if subjected to particularly obtrusive operations.

Whether **rock quarries or clay operations** or other mineral working require EA will depend on the location and the scale and type of the activities proposed.

Applicants are advised to consult the **Adopted Minerals Local Plan** - available from **Essex County Council**; and/or discuss the proposals with the **County Planning Department, Minerals Section**.

- (e) extracting petroleum
- (f) extracting natural gas
- (g) extracting ores
- (h) extracting bituminous shale
- (i) extracting minerals (other than metalliferous and energy-producing minerals) by open-cast mining
- (j) a surface industrial installation for the extraction of coal, petroleum, natural gas or ores or bituminous shale
- (l) an installation for the manufacture of cement

For oil and gas extraction the main considerations will be the volume of oil or gas to be produced, the arrangements for transporting it from the site and the sensitivity of the area affected. Where production is expected to be substantial (300 tonnes or more per day) or the site concerned is sensitive to disturbance from normal operations, EA may be necessary.

No licences for oil or gas exploration have been granted in Essex. - **see D.o.E. Circular 2/85**

MLPDEPDR.REP