

# PLANNING POLICY AND LOCAL PLAN COMMITTEE

2 APRIL 2024

## REPORT OF THE DIRECTOR (PLANNING)

### A.2 THE ESSEX MINERALS LOCAL PLAN 2025 – 2040: PUBLIC CONSULTATION AT REGULATION 18 STAGE

(Report prepared by William Fuller)

#### PART 1 – KEY INFORMATION

##### PURPOSE OF THE REPORT

To report, to the Planning Policy and Local Plan Committee, Essex County Council's current Regulation 18 stage public consultation on its five-yearly review of the Essex Minerals Local Plan and to seek the Committee's agreement to Tendring District Council's response to that consultation.

##### EXECUTIVE SUMMARY

Essex County Council is the authority responsible for producing and updating the Minerals Local Plan for the county and for determining planning applications relating to minerals extraction and waste. Minerals are the source of material for construction whether that be for the homes we live in, our places of work, our transport infrastructure or essential services such as health, education, water and sewage systems and recreational facilities. However, minerals are a finite natural resource and can only be extracted from the ground where they are found.

The Minerals Local Plan sets out how Essex County Council will provide for the future of minerals needs through a series of policies and land allocations. The Minerals Local Plan sits alongside the Local Plan produced by District, City and Borough Councils as part of the overall statutory Development Plan.

Like this Council's Local Plan, the County Council's Minerals Local Plan has to be reviewed and kept up to date and the review has to follow a series of stages, as set out in government regulations. Public consultation is currently underway in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, with a closing date for any comments of 9<sup>th</sup> April 2024. Essex County Council is consulting on the entire Minerals Local Plan, its evidence base, and a series of 'candidate sites'. These sites will not all be carried forward for allocation in the Minerals Local Plan, but will be considered in greater detail alongside representations submitted as part of this consultation.

Tendring has a rich supply of sand and gravel, and there are 13 candidate sites located within the District – 7 in Ardleigh, 2 in Alresford, 3 near Frating and Great Bentley, and 1 in Thorrington. Detail about each of these sites is set out in the main body of this report.

Officers have prepared a draft response to the consultation that highlights a number of technical points as well as concerns that have been raised by local residents and District Councillors. With the Planning Policy and Local Plan Committee's agreement, this response will be submitted to Essex County Council for its consideration in progressing to the next stage of the plan-making process.

## RECOMMENDATION

**That the Planning Policy and Local Plan Committee:**

- a) **notes the content of this report and considers and comments on the recommended responses as set out in appendix 1 of this report; and**
- b) **authorises the Director of Planning to submit the recommended response, with any agreed amendments, to Essex County Council before the end of the consultation period at 5.00pm on 9 April 2024.**

## PART 2 – IMPLICATIONS OF THE DECISION

### DELIVERING PRIORITIES

The Minerals Local Plan is the responsibility of Essex County Council, however it has implications for the future growth of the county, including the growth of Tendring and the content of Tendring District Council's Local Plan – the review of which is a Corporate Priority. The Local Plan and the Minerals Local Plan need to be compatible in order that they sit side-by-side as complementary parts of the overall statutory Development Plan.

### RESOURCES AND RISK

**Resources:** Minerals Local Plan is the responsibility of Essex County Council and has been prepared by its Minerals and Waste Planning Team utilising its own budget. The draft response has been prepared in-house by your Officers.

**Risks:** Should the Council choose not to respond to the consultation documents, we would have no formal input into the delivery of minerals provision within our District.

### LEGAL

Like this Council's Local Plan, Essex County Council's Minerals Plan forms part of the overall 'Development Plan' for the area for which there are statutory requirements.

This stage of preparation is Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This is the 'Issues and Options' stage of Plan preparation.

Section 97 of Part II of Schedule 5 and Schedule 9 to the Town and Country Planning Act 1990 establish a range of orders for mineral planning authorities to control minerals development.

The mineral planning authority is the County Council (in 2-tier parts of the country such as Essex), the unitary authority, or the national park authority. Minerals extraction may only take place if the operator has obtained both planning permission and any other permits and approvals. These include permits from bodies such as the Environment Agency, and licenses from Natural England and, in relation to coal resources, the Coal Authority

Tendring District Council's role in the Minerals Plan process is that of a consultee, but there is a legal duty to cooperate through Section 33A of the Planning and Compulsory Purchase Act 2004, as amended, which requires local authorities and other public bodies to engage constructively actively and on an on-going basis to maximise the effectiveness of Local Plan preparation on strategic matters of cross-boundary significance, including planning for Minerals. Therefore, while this Council can make representations highlighting concerns raised by local communities, there is a duty for it to work constructively with the County Council to achieve a positive outcome that enables the County Council to discharge its statutory obligations and ensure compatibility between the Minerals Local Plan and the Tendring Local Plan.

## **OTHER IMPLICATIONS**

**Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.**

**Crime and Disorder / Equality and Diversity / Health Inequalities /Area or Ward affected / Consultation/Public Engagement.**

**Crime and Disorder:** N/A

**Health Inequalities:** Throughout the reports the impacts on health are considered. As minerals extraction development can be potentially hazardous, this is covered at some length within the Minerals Local Plan.

**Equality and Diversity:** Not directly applicable

**Area or Ward affected:** All, though with a focus on the Parishes of: Alresford, Ardleigh, Brightlingsea, Frating, Great Bentley, Tendring, and Thorrington.

**Consultation/Public Engagement:** The document is out for public consultation until 5.00pm on 9<sup>th</sup> April 2024. Members of the public are welcome to submit consultation responses. Once the comments have been considered by the County Council, there is expected to be a second round of public consultation for Preferred Options stage either in late 2024 or early 2025.

## **PART 3 – SUPPORTING INFORMATION**

### **Background**

The current Essex Minerals Local Plan (MLP) was adopted in July 2014. The adopted Plan provides planning policies for minerals development in Essex until 2029 and identifies future sites for mineral extraction.

Alongside other Local Plans, the MLP forms part of the Development Plan for Essex. Every five years the County Council is required to review the effectiveness of its MLP. Proposed amendments to the MLP 2014 were consulted on in March/April 2021. Reviews are required to ensure that each policy and associated supporting text in the MLP is still fit for purpose. This means that the Plan continues to be robust and can help maintain a 'steady and adequate' supply of aggregates.

### **Current Review Progress**

The review has already been through four stages:

- a consultation (under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in March/April 2021;
- a 'Call for Sites' exercise in February/March 2022;
- a second 'Call for Sites' exercise in September 2022; and,
- an informal engagement on Policy S6 of the Minerals Local Plan in February/ March 2022.

The results of these stages mean that County now have:

- 52 new candidate sites for consideration for inclusion in a new Plan;
- a new draft plan; and
- an extension of the Plan period to 2040.

There are two main parts of this consultation. They are the:

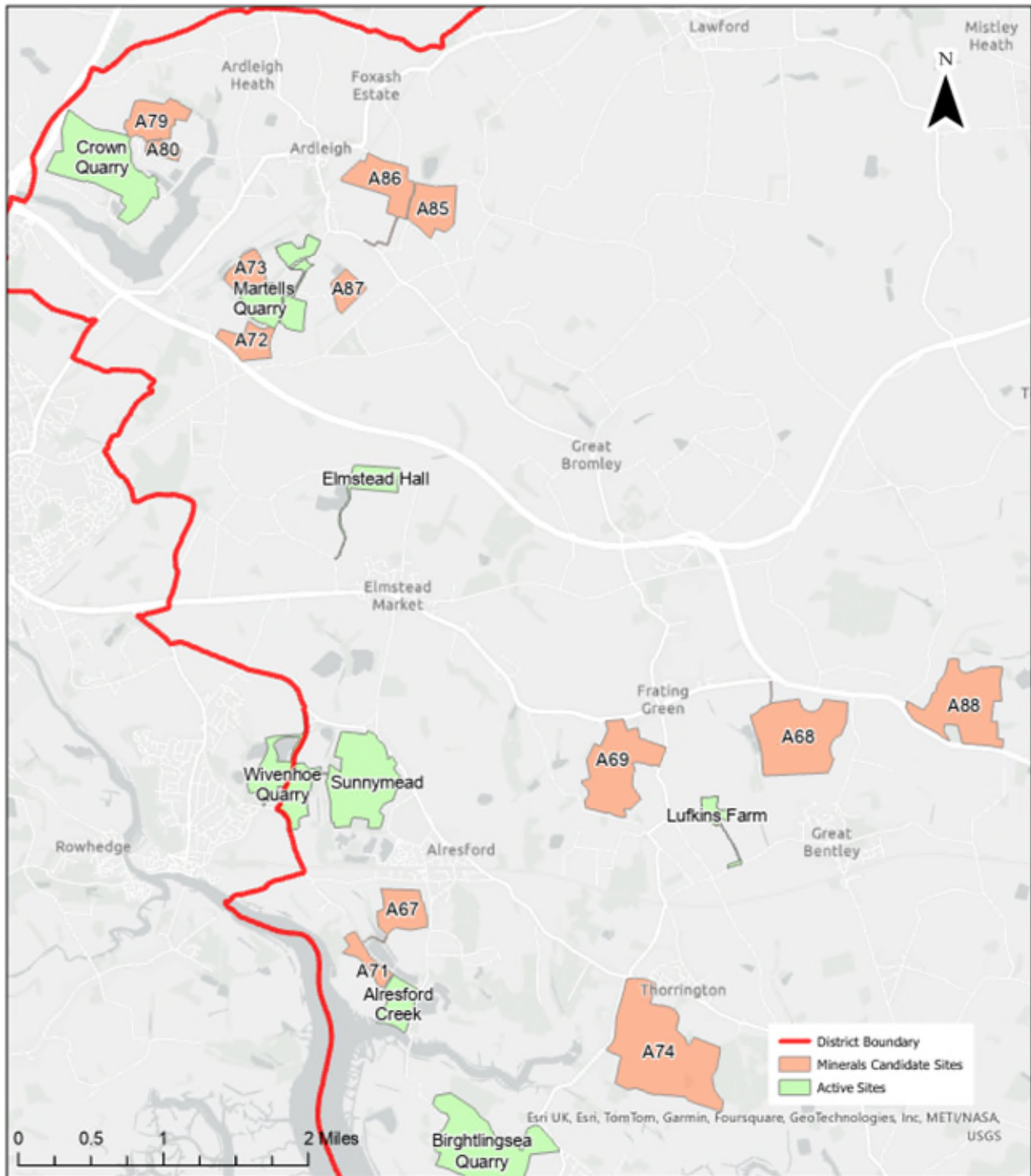
1. Draft Replacement Minerals Local Plan; and
2. Candidate Site Assessment Report.

### **Extending the Plan end date to 2040**

Extending the Plan to 2040 means that County will have a new plan covering a 15-year period from 2025. This helps them meet the relevant 'tests of soundness' as set out in the National Planning Policy Framework (NPPF). As part of this update, new mineral annual provision rates have been calculated. New sites will also be needed to meet the forecasted demand for minerals. The plan ensures that we can support the forecasted growth and development demands in Essex

## The Candidate Sites

Thirteen candidate sites for the extraction of sand and gravel have been identified within the District. For the reasons given below, these sites have not been individually commented upon in this consultation response.



#### A67 - Church Farm, Alresford

The Site is promoted as an extension to an existing Site for mineral extraction (Alresford Quarry) and is located to the north of Alresford Quarry. The Site area is approximately 21 hectares and is proposed for an estimated 2 million tonnes of sand and gravel extraction. The Site could be worked at any time during the plan period. The adjoining uses include agricultural fields, two waterbodies, farm buildings and woodland. The village of Alresford is located to the north and north east of the Site. The Site would be accessed using the existing haul road that serve Alresford Quarry.

#### A71 - Lodge Farm, Alresford

The Site is promoted as an extension to the existing mineral site (Alresford Quarry) and is located to the north-west of Alresford Quarry. The Site area is approximately 11.2 ha and is proposed for 0.8 million tonnes of sand and gravel extraction which would be excavated and transported to the existing plant site at Alresford Quarry. The Site could be worked at any time during the plan period and if Site A67 is also allocated these sites would be worked consecutively. The adjoining uses include the Sixpenny Brook, two waterbodies, an access road (unnamed), Alresford Lodge Pits Local Wildlife Site woodland, agricultural fields, and the existing Alresford Quarry. The village of Alresford is located to the north of the Site. This Site would be accessed from the existing established quarry haul road at Alresford Quarry. The suitability of the existing access would need to be considered further.

#### Ardleigh

#### A72 - Martells, Southern extension

The Site is promoted as an extension to the existing minerals site (Martells Quarry) and is located to the south west of Martells Quarry. The Site area is approximately 16.98 ha and is proposed for 1.17 million tonnes of sand and gravel extraction with processing and distribution from the Martells Quarry processing plant. Site operations are proposed to commence in sequence to the permitted Martells Quarry Western Extension Area. The adjoining uses include the existing Martells Quarry, Slough Lane, woodland, agricultural fields and farm and commercial buildings. The village of Ardleigh is located to the north of the Site. This Site would be accessed via A120 using the existing Martells Quarry access.

#### A73 - Martells, Western extension

The Site is promoted as an extension to the existing minerals site (Martells Quarry) and is located to the west and north west of Martells Quarry. The Site area is approximately 13.28 ha and is proposed for 0.25 million tonnes of sand and gravel extraction with processing and distribution from the Martells Quarry processing plant. Site operations to commence in

sequence to the permitted Martells Quarry Western Extension Area. The adjoining uses include the existing Martells Quarry, Slough Lane, eight waterbodies, agricultural fields, woodland, commercial buildings, and a railway line. The village of Ardleigh is located to the north of the Site. This Site would be accessible via A120 using the existing Martells Quarry access.

#### A79 - Crown Quarry, North of Wick Lane

The Site is promoted as an extension to Crown Quarry, located north of Wick Lane and west of Ardleigh. The Site area is approximately 23.19 ha and is proposed for 1 million tonnes of sand and gravel extraction with processing and distribution from the adjacent Crown processing plant. Extraction would not commence until after extraction at the existing quarry has been completed. The adjoining uses include agricultural fields, woodland, and residential and farm buildings. The village of Ardleigh is east of the Site. The Site is promoted as accessible via the use of the existing Crown Quarry site access to the highway network and through creating a new crossing point to allow vehicles to cross Wicks Lane through the internal access road at Crown Quarry. The feasibility of crossing Wick Lane would need to be explored with the Highway Authority.

#### A80 - Crown Quarry, South of Wick Lane

The Site is promoted as an extension to Crown Quarry, located south of Wick Lane and west of Ardleigh. The Site area is approximately 5.88 ha and is proposed for 0.26 million tonnes of sand and gravel extraction with processing and distribution from the adjacent Crown Quarry processing plant. Extraction would not commence until after extraction at the existing quarry has been completed. The adjoining uses include agricultural fields, woodland, residential and farm buildings, and Crown Quarry. The village of Ardleigh is east of the Site. The Site is promoted as accessible via a new access track to connect to Crown Quarry and the use of the existing Crown Quarry site access to the highway network. Internal access to reach Old Ipswich Road would need to be considered further.

#### A85 - Martells, North of Frating Road - East

The Site is promoted as an extension to an existing mineral Site (Martells Quarry) and is located north east of Martells Quarry, and immediately adjacent to Site A86. The Site area is approximately 26.12 ha and is proposed for approximately 1.9 million tonnes of sand and gravel extraction with processing and distribution occurring from Martells processing plant. It is proposed that once granted consent mineral extraction would follow on from the consented extraction activities at Martells Quarry, after extraction at Site A73, if allocated. Infrastructure would include crossing points on Morrow Lane and Frating Road. The adjoining uses include agricultural fields, woodland, Home Farm Reservoir and residential, farm and commercial buildings. The village of Ardleigh is located to the north west of the Site. Proposed access is

via internal access tracks to Martells Quarry and the use of the existing Martells Quarry site access to the highway network.

#### A86 - Martells, North of Frating Road - West

The Site is promoted as an extension to an existing mineral Site (Martells Quarry) and is located north east of Martells Quarry, and immediately adjacent to Site A85. The Site area is approximately 28.9 ha and is proposed for approximately 2 million tonnes of sand and gravel extraction with processing and distribution occurring from Martells processing plant. It is proposed that once granted consent mineral extraction would follow on from the consented extraction activities at Martells Quarry, after extraction at Site A73, if allocated. Infrastructure needed includes crossing points on Frating Road. The adjoining uses include agricultural fields, a railway line, woodland, and residential, and commercial buildings. The village of Ardleigh is located to the west of the Site. Proposed access is via internal access tracks to Martells Quarry and the use of the existing Martells Quarry site access to the highway network.

#### A87 - Martells, East of Slough Lane

The Site is promoted as an extension to an existing mineral Site (Martells Quarry) and is located east of Martells Quarry and west of Park Road. The Site area is approximately 10.47 ha and is proposed for approximately 0.56 million tonnes of sand and gravel extraction with processing and distribution occurring from Martells processing plant. It is proposed that once granted consent mineral extraction would follow on from the consented extraction activities at Martells Quarry, after extraction at Site A73, if allocated. The adjoining uses include agricultural fields, two waterbodies, Martells Quarry, and residential and farm buildings. The village of Ardleigh is located to the north of the Site. Proposed access is via internal access tracks to Martells Quarry and the use of the existing Martells Quarry site access to the highway network.

#### Frating and Great Bentley

#### A68 - Crabtree Farm, Great Bentley

The Site is promoted as a new minerals site at land to the south of Colchester Road, Great Bentley. The Site area is approximately 67.62 ha and is proposed for 6.10 million tonnes of sand and gravel with processing and distribution from a minerals processing plant on site. Infrastructure needed on site includes an improved Site entrance, mineral processing plant, recycling plant, ancillary equipment, and infrastructure. The adjoining uses include the Bentley Brook, agricultural fields, and residential and farm buildings. The village of Great Bentley is located to the south of the Site. This Site would be accessible from the Colchester Road A133.



## A69 – Frating Hall

The Site is promoted as a new minerals Site at Frating, Tendring. The Site area is approximately 47 ha and is proposed for 4.00 million tonnes of phased sand and gravel extraction with restoration using inert material. The Site could be worked at any time during the plan period. Infrastructure needed on site includes a processing and stock area and weighbridge and associated welfare facilities. The adjoining uses include agricultural land, Main Road (A133), Great Bentley Road and Rectory Road (B1029), and residential and commercial buildings. The village of Frating is located to the north east of the Site. This Site would be accessed from the Colchester Road A133.

## A88 - Gurnhams Farm

The Site is promoted as a new Site at Church Road, Little Bentley, Colchester. The Site area is approximately 61 ha and is proposed for 2.2 million tonnes of materials for sand and gravel extraction over an estimated life cycle of 10 years. If Site A69 is allocated the Site would be worked in sequence following A69. Additional infrastructure needed on site includes a processing plant and associated stocking area. The adjoining uses include agricultural fields, woodland, the A133 Colchester Road, and residential and commercial buildings. The village of Weeley is south east of the Site. The Site is promoted as accessible via Church Road to A133 Colchester Road.

## Thorrington

### A74 - Thorrington Hall Farm

The Site is promoted as a new minerals Site at Clacton Road, Thorrington, Tendring. The Site area is approximately 105.6 ha and is proposed for 4.70 million tonnes of sand and gravel extraction. The Site could be worked at any time during the plan period. Infrastructure needed on site includes a processing plant. The adjoining uses include agricultural fields, residential and commercial buildings, Clacton Road, Brightlingsea Road and woodland. The village of Thorrington is located to the north of the Site. A new road access to the Site is likely to be provided to the B1027 between Avocet Place and the property lying to the north of the Clacton Road, east of Station Road and west of Avocet Place.

## **The Council's Representation**

The consultation response itself deals with a number of technical issues with specific Policy wording within the emerging Minerals Local Plan. These peripheral issues include the renaming of Areas of Outstanding Natural Beauty to 'National Landscapes' and further clarity over Biodiversity Net Gain.

The more substantive points within the response relate to impacts of new minerals extraction sites on the amenities of residents. Many of these points have been raised from residents themselves of District Councillors representing them. Of particular concern is the potential impact of noise, dust and odour as well as increased traffic. This is particularly true for the parishes of Alresford and

Ardleigh where a cluster of candidate minerals sites may have a cumulative impact in combination with active mineral extraction sites. Further details around phasing, and the number of sites that will be active at any one time, are likely to emerge as the review of the Minerals Local Plan progresses.

It is worth noting that not all sites that are designated as candidate sites will actually come forward as allocations within the Minerals Local plan and allocated sites will come forward in a sequential manner. Also, whilst it is appreciated that sites can only be located where minerals are found, residents concerns still need to be considered by the County Council – particularly as many residents have concerns about the transport implications and the impact of heavy vehicles on the safety and capacity of rural roads.

### **Next Steps**

After this stage, which is Issues and Options, Essex County Council will evaluate the representations received intending to consult on Preferred Options (a more refined version of the Minerals Local Plan) in late 2024 or early 2025.

## **APPENDICES**

### **APPENDIX A - Draft consultation response from Tendring District Council**

## **BACKGROUND PAPERS**

<https://www.essex.gov.uk/replacement-essex-minerals-local-plan-review-2025-2040>

## **A.2 APPENDIX A**

### **Draft consultation response from Tendring District Council**

Thank you for consulting Tendring District Council (TDC) on the emerging update to the Essex Minerals Local Plan.

TDC have started to prepare an updated Local Plan which will guide new development to 2041. We are at an early stage of preparation, at the time of writing we are hosting a Call for Sites exercise. We intend to consult on Issues and Options in spring this year, with Preferred Options taking place in autumn and submission in mid-2025.

At this stage we have not identified sites for development, however this is very likely and it will be imperative that the District and County Councils work closely together to meet our objectives. The District Council are preparing a Duty to Cooperate Statement which the County Council will be invited to contribute to in due course.

#### **General Comments**

The plan period of the Essex Minerals Local Plan is being extended from an end date of 2029 to 2040. This extension will bring the Minerals Plan broadly in line with our updated Tendring Local Plan. This will be a benefit in terms of cooperation between the two authorities.

#### **Comments on the Minerals Local Plan**

Para 2.11 – Areas of Outstanding Natural Beauty (AONBs) have now been renamed ‘National Landscapes’.

Para 3.72 – The criteria used to locate minerals recycling sites has the potential to be too flexible. Previously developed sites and sites within major development areas are most likely to be unsuitable for such uses when considering impacts on residential amenity.

Para 3.111 to 3.158 and Policy S8 – It is unclear how the minerals safeguarding zones have been set when the site allocations have not yet been agreed. Ongoing engagement between TDC and ECC will be essential, to ensure that both authorities are able to allocate appropriate sites to meet their respective obligations regarding housing and employment growth and mineral extraction.

Policy S10 – This Policy considers environmental impacts and biodiversity gain on minerals sites. Whilst it is welcomed that Biodiversity Net Gain (BNG) is specifically mentioned within Policy, it is considered that the 10% (or higher) is mentioned within this Policy in line with national guidance which is now a planning requirement. It is understood that County Council are leading on evidence to support a higher percentage, this should be incorporated to the next iteration of this Policy if this work is complete.

Policy S12 – This Policy requires (at point 4), amongst other things, the stewardship of uses after land has been restored for a period of at least five years. We consider this time period to be minimal and could be extended to allow a longer-term management plan for any site. We would also like to see a more robust and formal way for Parish Councils and local residents to influence what these later uses might be.

Para 4.1 – 4.6 – Whilst it is understood that not all sites that have been submitted will form allocation sites and that extraction can only take place where the minerals are found, concerns are raised that there are a cluster of candidate sites located within a small area close to Ardleigh and Alresford. Specific concerns from residents and Members revolve around the potential cumulative impacts of increased traffic, noise, dust and odour from a number of sites being operational at the same time. Concerns have also been raised by residents in Alresford about the suitability of the railway bridge on the B1027 for heavy goods vehicles carrying materials extracted from the proposed sites.

While individual Parish Councils are best placed to comment on the specific local impacts of the proposed sites within their area, concerns have been expressed to TDC about the communication surrounding this consultation – particularly regarding the status of the candidate sites and the likelihood of them being allocated, and the briefing presented to Parish Councils in advance of the consultation. TDC would encourage further engagement with local and Parish Councils to ensure that the views of residents most affected by the proposals can be properly represented.