

12<sup>th</sup> March 2009

The Head of Environmental Planning (MDD)  
Minerals and Waste Planning  
Essex County Council  
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Dear Ms Stenhouse

### **Essex County Council Minerals and Waste Development Framework Consultation**

Thank you for consulting the Mineral Products Association in respect of the Issues and Options Minerals Development Document (MDD).

The Mineral Products Association is the principal trade association representing the quarrying industry in Great Britain. Our members represent 100% of GB cement production, 90% of GB aggregates production and 95% of GB asphalt and ready-mixed concrete production. They are also responsible for producing important industrial materials such as silica sand, agricultural and industrial lime and mortar.

Having reviewed the document we have the following comments to make.

#### **Option 1**

NO.

In the document the term 'Preferred Site' (Vision 8.) is not defined, neither is it clear how sites carrying this designation will be treated by the MPA. Essex should follow the convention of designations set out in national policy, which is: Specific Site, Preferred Area and Area of Search. (MPS1, Annex 1, Para. 3.1, MPS1 Practice Guide, Para. 37-42)

Needless sterilisation of mineral resources must be prevented not "avoided" (Vision 5.) Prior extraction is only one of the measures that can be employed in

support of a safeguarding strategy. The Vision should include a commitment to refuse planning permission in an MSA where an applicant cannot justify overriding need. The need to prevent needless sterilisation must apply to all forms of development not just those that are considered major.

Over supply (Vision 8.) is not a reality and in any case, would not be within the remit of the MPA to influence. If over provision is what is meant here, then the reason why over provision would be considered injurious to the Essex environment and the mineral resource should be clearly stated. It is the Mineral Products Association view that under provision is a far greater threat to sustainable minerals supply than overprovision.

### **Option 2**

No.

Objective 1. It is not within the remit of the MPA to 'increase' the production of recycled and secondary material. The second bullet point of objective one should be reworded 'to promote the production and use of recycled and secondary material'.

### **Option 3 to 5**

No comment.

### **Option 6**

Hybrid Option.

To adopt the rigid approach of any of the single options 1 to 3 would unduly fetter the ability of the MPA and industry to ensure that need is met in the most sustainable way. Each application, including those for extensions, should be judged on its own merits. There can be no priority applied; it will simply depend on the circumstances at the time of the application.

### **Option 7**

The Mineral Products Association supports none of the options put forward. Such proposals should be considered on their merits in accordance with the MPS1 Practice Guide, Paragraph 43.

If a mineral resource exists outside a designated area (see also the Mineral Products Association comments under Option 1 regarding Preferred Sites) then it should be within a Mineral Safeguarding Area. This issue would be best dealt with by a general policy relating to development within MSAs.

### **Option 8**

No comment.

**Option 9**

No.

To set targets for the production of recycled aggregates would not be appropriate. The quantity of recycled aggregate produced is largely dependant on sources of recyclable material, such as demolition waste, coming forward. Opportunities for collection of data on recycling are inadequate to support a system of monitoring against targets.

**Option 10 and 11**

No comment.

**Option 12**

Yes.

Strategically located recycling sites will often be under pressure from much higher value land uses. The MCA boundary should go beyond the site boundary to prevent encroachment from surrounding development and to prevent incompatible use of adjoining land from affecting the viability of the recycling operation. The distance will be dependant on the nature of the operation and should be determined on that basis.

**Option 13**

No.

Paragraph 8.7 is incorrect. MCAs were not a new mechanism introduced by MPS1. A lack of national mineral policy (Paragraph 8.16) is not justification for leaving certain minerals out of the Essex MSA scheme. In any case, there is national policy for peat extraction set out in MPG13. In defining MSAs, MPS1 (Practice Guide Paragraph 32) requires MPAs to consider and make a judgment on which minerals within their area of jurisdiction are or may become of economic importance within the foreseeable future. Essex should exercise that judgment and justify their decisions fully in the MDD.

**Option 14**

No.

This should be judged on a site-by-site basis. To limit the need for prior extraction simply in relation to the size of a development is not appropriate. Even relatively small developments can be of significance, for example if considered in combination with an adjoining area.

**Option 15**

Yes.

### **Option 16**

Yes. It is appropriate to have MCAs in place around a mineral extraction sites to prevent encroachment from surrounding development, which has the potential to affect the viability of sites. The size of the MCA should be decided on a case-by-case basis (see also the Mineral Products Association comments on Option 12)

### **Option 17**

No.

It seems pointless to fetter the discretion of the MPA in this way. There could be many other reasons for a review of the MDD, not least of which might be some fundamental change in national policy.

### **Option 18**

None of the mechanisms.

Notwithstanding our comments on Option 17; it is not clear why a fixed trigger indicator is necessary or desirable.

Minerals operators must take a relatively long term approach to planning their extraction activities. The uncertainty introduced by an MPA that would review site allocations every 5 years, regardless of the need, would not be in accord with commercial investment decision making. It may also subject the MPA, industry and other stakeholders to unjustifiable cost.

Maintenance of the landbank above a 7 year minimum would not allow sufficient time for the review process to identify new sites and for applications to be considered. The 10 year landbank plus planned provision approach is more realistic but the additional 3 year margin may not be sufficient.

In assessing the adequacy of provision (and hence the possible need for a review), the MPA must not only take the apparent length of the landbank into account but also considerations of real need and real supply (MPS1 Practice Guide, Paragraph 72). In Essex, as in many other MPA areas, this will mean that an apparently adequate landbank figure should not be allowed to mask inadequate provision of specific aggregate types or in inappropriate locations to serve local markets.

Overall, the Mineral Products Association support the landbank management advice set out in Paragraphs 70 to 75 of the MPS1 Practice Guide and believe that any review methodology should take that advice fully into account.

**Option 19**

No comment.

**Option 20**

Yes. See responses to Options 12 and 16.

**Option 21**

No comment.

**Option 22**

None of these.

Cumulative impact is not an issue that requires separate consideration. If it is considered relevant to a particular site it should be identified in the scoping process and addressed in the EIA. Cumulative impact should be an issue for the MPA to consider in assessing their site allocations in the MDD.

**Option 23**

No comment

**Option 24**

No comment

**Option 25**

No comment

**Option 26**

No comment

**Option 27**

HIA is not an issue that should be considered separately. If it is considered relevant to a particular site it should be identified in the scoping process and addressed in the EIA.

Yours sincerely

**Andrew Bromley**  
Planning Officer