

Minutes



Local Plan Sub-Committee 20th April 2021

This meeting was held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 via Zoom and YouTube.

Present:

Councillors	Present	Councillors	Present
J Abbott	Yes	P Horner	Yes
K Bowers	Yes	D Hume	Apologies
G Butland	Yes	Mrs W Scattergood	Yes
J Coleridge	Yes	Mrs G Spray (Chairman)	Yes
T Cunningham	Yes	P Thorogood	Yes
A Everard	Yes	J Wrench	Apologies

1 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

On behalf of Members of the Sub-Committee, Councillor Mrs G Spray, the Chairman of the Local Plan Sub-Committee, declared a joint non-pecuniary interest in Agenda Item 5 – ‘Essex Minerals Local Plan Review – Consultation’ as Councillor R Mitchell, Essex County Council Councillor for Braintree Eastern Division, who had registered to participate during Question Time and had submitted a written statement, was known to some of them.

Councillor J Abbott declared a non-pecuniary interest in Agenda Item 5 – ‘Essex Minerals Local Plan Review – Consultation’ as an elected Member of Essex County Council and as a member of the Site Liaison Group for Bradwell and Coggeshall Quarry. Councillor Abbott stated that he had not taken part in the formation of the County Council’s Minerals’ Plan or the review of it, but that he had been involved in the Examination of the draft Plan in 2013. *Mrs K Cole, Braintree District Council’s Head of Governance, advised that as Councillor Abbott had engaged in the consideration of the original Minerals Plan, but not the review it he could participate in the discussion and determination of the Item.*

Councillor Abbott stated that he had queried the timing of the review and consultation process prior to the elections scheduled for 6th May 2021 and he had been advised by Essex County Council that they could proceed.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – ‘Essex Minerals Local Plan Review – Consultation’ as an elected Member of Essex County Council. Councillor Butland stated that he had not taken part in the formation of the County Council’s minerals’ policy, or the scrutiny of it. Councillor Butland indicated, that in his role as Leader of Braintree District Council, he had spoken to the County Council’s relevant Cabinet Portfolio Holder about the timing of the consultation process prior to the elections scheduled for 6th May 2021. Councillor Butland stated also that Councillor R Mitchell, who had registered to participate during Question Time, was known to him.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Item was considered.

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 4th February 2021 be approved as a correct record.

3 **QUESTION TIME**

INFORMATION: One statement was made about Agenda Item 5 – ‘Essex Minerals Local Plan Review – Consultation’ by Councillor R Mitchell, Essex County Council Councillor for Braintree Eastern Division.

Councillor Mitchell had submitted a written statement in advance of the meeting and he read this to the Sub-Committee immediately prior to the consideration of the Item.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

4 **ESSEX MINERALS PLAN REVIEW – CONSULTATION**

(Prior to the consideration of this Item, the Chairman referred to guidance given to Members of the Local Plan Sub-Committee by Braintree District Council’s Head of Governance in advance of the meeting regarding the forthcoming elections on 6th May 2021 and the pre-election period. The Council and candidates standing for election were required to comply with the Local Government Act 1986 and Members were requested to ensure that their participation in the debate on this Item was

factual and relevant to the matter before the Sub-Committee. This guidance had also been given to the registered Question Time speaker).

INFORMATION: Consideration was given to a report on a review of the Essex Minerals Plan.

The Essex Minerals Plan had been adopted by Essex County Council in July 2014 for the period 1st January 2012 to 31st December 2029. In accordance with legislation and National Planning Practice Guidance, Essex County Council was required to assess the Plan within five years of adoption to ensure that its policies remained relevant and addressed the needs of the local community effectively. The Plan was now subject to formal review and a period of public consultation had commenced on 18th March 2021 and would end on 29th April 2021. Members of the Local Plan Sub-Committee were requested to agree the District Council's response.

Braintree District Council had considered the Minerals Plan 2014 at its meeting on 20th February 2013 and had been agreed to submit an objection to the Plan on the basis that the allocation of sites for sand and gravel extraction failed to meet the Plan's strategy for a geographic dispersal of sites across the County; failed to minimise mineral miles; and failed to assess adequately the cumulative impact of a high proportion of extraction sites within a small area of Essex. In addition, the Council had agreed to object to the inclusion in the Plan of sites A9 Broadfield Farm, Rayne; A46 Colemans Farm, Rivenhall; and A5, A6 and A7 Bradwell Quarry, Rivenhall Airfield. No objection had been raised to sites A3 and A4 Bradwell Quarry, Rivenhall Airfield. The Inspector appointed to conduct the Examination of the Plan had considered the Council's representations about the number and distribution of sites, but he had not supported the Council's view about cumulative impact.

The site allocations in the Minerals Plan Review would enable Essex County Council to achieve a supply of 40.67million tonnes per annum (mtpa) of sand and gravel over the period of the Plan. The County Council had also calculated that sites previously identified as reserve sites should now come forward within the Plan period. No new sand and gravel extraction sites had been proposed.

Planning permission, or permission subject to legal agreement had been granted for sand and gravel extraction at sites A3, A4, A5 and A7 Bradwell Quarry, Rivenhall Airfield, A9 Broadfield Farm, Rayne and A46 Colemans Farm, Rivenhall. Site A6 Bradwell Quarry, Rivenhall Airfield did not have permission yet, but the operator had confirmed their intention to submit a planning application during the Plan period.

Since adoption of the Plan, land immediately north of preferred site A7 had become subject to a proposal by the Environment Agency for use as a flood alleviation area. This would involve excavating the landscape to provide a dam on the River

Blackwater and a large area to hold floodwater. The excavation would remove useable aggregate, which would require consent from Essex County Council. As the site had not been allocated in the Plan, Essex County Council proposed to treat it as a windfall site.

The Minerals Plan Review had been updated to take account of changes to the National Planning Policy Framework and National Planning Policy Guidance. Changes had also been incorporated regarding climate change; reducing the use of mineral resources; aggregate recycling; and avoiding the sterilisation of mineral deposits by non-mineral related development.

Members of the Sub-Committee acknowledged that the Minerals Plan Review continued to include sites which located the bulk of Essex County Council's sand and gravel extraction within the Braintree District. Concern was expressed that minerals extraction sites had an industrial character, which caused disturbance to nearby residents and led to considerable heavy vehicle traffic movements on roads throughout the area adding to congestion and pollution. Members supported the County Council's view that the proposed flood alleviation site and site A7 should not be developed concurrently and agreed that, as these sites were adjacent to each other, the Plan should include a master plan to shape the remediation and restoration of the landscape.

In considering the Council's proposed response to Essex County Council's public consultation, as set out in paragraph 8 of the report, Members of the Sub-Committee requested that it should be amended to include additional points raised by them during the meeting. It was also proposed that a draft revised response should be circulated to Members of the Sub-Committee for comment before despatch.

DECISION: That a formal representation, as contained in paragraph 8 of the Agenda report as amended and set out below, be sent to Essex County Council in response to public consultation on the Essex Minerals Plan Review 2021.

Braintree District Council acknowledges the outcome of the Local Plan Examination, however remains concerned that the concentration of minerals extraction sites in the area will have adverse impacts on residents, the road network and the countryside setting for a number of years. It is acknowledged that a number of these sites have now been given permission and conditions designed to minimise disruption to residents, as required in the Plan, should be strictly applied.

Given these concerns it is welcomed that no new sand and gravel extraction sites have been allocated.

Braintree District Council recommends alterations to the wording of Paragraph 3.98 formerly 3.105 and P6 to be more explicit that windfall sites would be considered in

relation to the existing distribution of allocated sites and would not be permitted where they result in or contribute to overconcentration of mineral extraction sites in one area of the County.

It is requested that Braintree District Council's concerns are taken into account by including text within the section entitled 'MPA consideration of non-Preferred Sites allocated sites' (Para 3.98 formerly 3.105) to recognise that there is a concentration of extraction sites within the Braintree area and that further concentration through windfall sites within this area would be resisted.

It is recognised that the Plan review would consider the potential flood alleviation scheme as a windfall site. If this site was to be worked, it would generate a considerable amount of saleable sand and gravel which Braintree District Council would request, by view of its scale, to be counted towards meeting part of the County's sand and gravel extraction targets for the relevant Plan period.

In the event of the flood alleviation scheme coming forward, Braintree District Council would welcome its inclusion within a master plan including that of the surrounding area. This site lies together with A6, A7 and the waste management site and the cumulative impact of these workings would have a significant impact on a large area of landscape. It is important that restoration proposals consider the site context with neighbouring sites and where this context would merit a coordinated landscape scale approach across these sites, taking into account other features such as public access, biodiversity and habitat improvements. This should be written into the policy and text surrounding policy S6.

Braintree District Council supports the strengthening of policies intended to adapt to and mitigate the impacts of climate change and also improving public health, biodiversity net gain and to reflect recent work on developing Green/Blue Infrastructure policies.

The District Council would express disappointment that A7 has been allocated and now has consent. The District Council would draw to the Minerals Authority's attention that workings along Cuthedge Lane will disturb wildlife (sightings include hares, buzzards and yellowhammer). The District Council is aware that site A7 has received a resolution to grant permission and would wish to encourage measures to protect wildlife to be strictly applied and enforced. The restoration of extraction sites to habitats which support wildlife is supported. Officers would also draw to the attention of the Minerals Authority that this lane is well used for recreational purposes by residents and would wish this to be taken into account when considering future proposals or planning conditions.

It is hoped that in the future more climate friendly alternatives can be found to the extraction of sand and gravel. However, it is recognised that for the moment extraction of these materials is necessary. Braintree District Council supports

proposals to recycle building materials on suitable sites and to encourage reductions in the use of minerals.

Site A6 contains the last remaining World War II buildings from the airfield and are valued for this historical interest. Though the buildings themselves are in need of attention, it is requested that they are retained for this historical interest and ideally considered as part of the restoration of the site and form part of any master plan for the area.

REASON FOR DECISION: To support the Council in its engagement with Essex County Council with regard to their Minerals Local Plan.

The meeting commenced at 6.00pm and closed at 6.40pm.

Councillor Mrs G Spray
(Chairman)