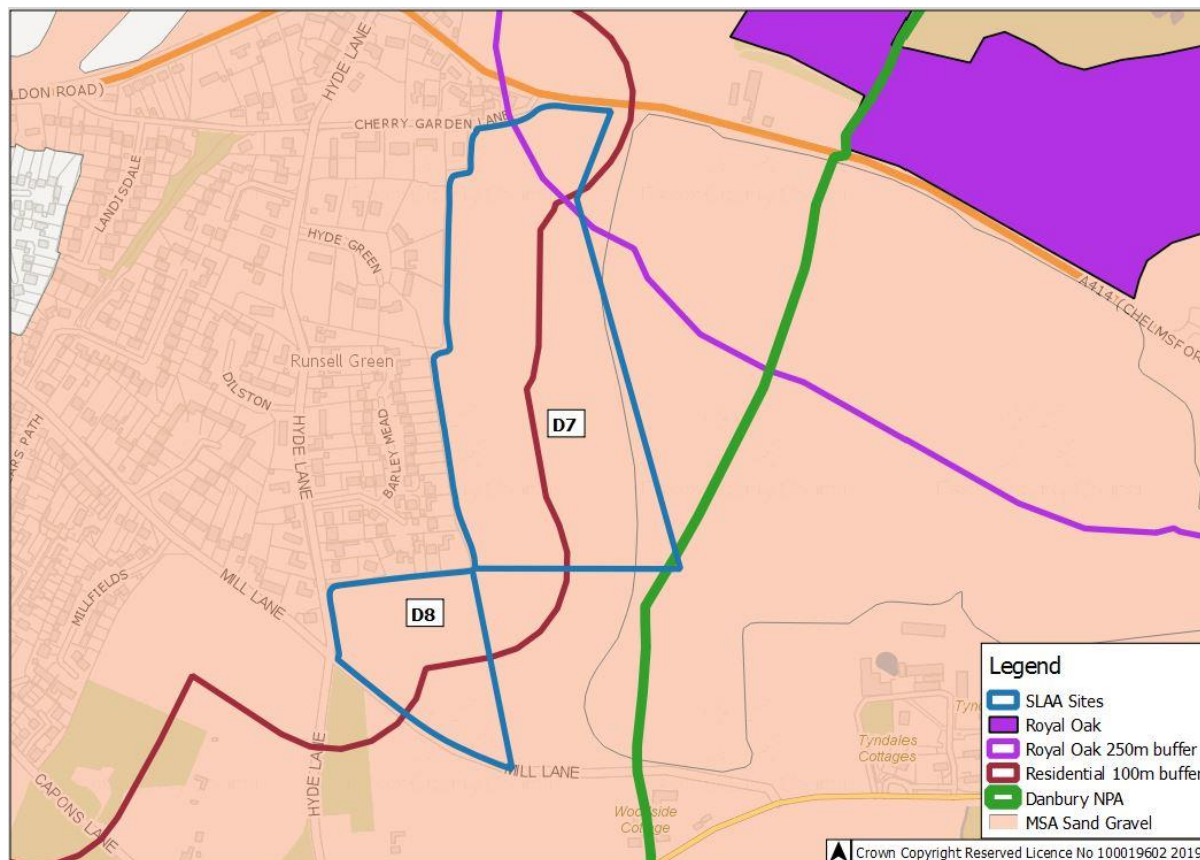


**ECC Minerals and Waste Planning Authority Response
Danbury Neighbourhood Plan - Request for Information
April 2019**

Introduction

1. The following information is provided as a response from the Minerals and Waste Planning Authority (MWPA) to a request for information received from Danbury Parish Council. This response supersedes a previous response sent to Danbury Parish Council in March 2019 where that previous response pertains to Site D7 and Site D8. All other aspects of the March 2019 response remain extant.
2. This response addresses a change in site area of Site D7 and Site D8 as a result of revised information being sent from Danbury Parish Council to the MWPA. This revised information impacts on the sieving process that was originally carried out on these potential allocations to assess whether mineral and waste safeguarding policies adopted through the Essex Minerals Local Plan 2014 and Essex and Southend-on-Sea Waste Local Plan 2017 apply.
3. These sieving processes, as originally set out in the March 2019 response, have been re-run and the results are reproduced below:
4. In summary:
 - Site D7 is subject to Policy S8 of the Minerals Local Plan 2014 as it relates to Mineral Consultation Areas only.
 - Site D8 is excluded from Policy S8 of the Minerals Local Plan 2014.
 - Neither site is subject to Policy 2 of the Waste Local Plan 2017.
5. For ease of reference, Policy S8 is reproduced in this response as Appendix 1.

Site D7 & D8 - Land East of Barley Mead, Hyde Lane Danbury & Land South of Barley Mead, Hyde Lane Danbury



Site D7 – Land East of Barley Mead, Hyde Lane Danbury

- Site D7 is 8.6 hectares in size and is situated entirely in a Mineral Safeguarding Area for Sand & Gravel. However, once land within 100m of the façade of existing dwellings is removed, the site area remaining is 3.6 hectares. With less than 5ha of unconstrained land within the MSA, Site D7 is excluded from Policy S8 of the Minerals Local Plan 2014 as it relates to Mineral Safeguarding Areas.
- The very northern portion of the site is within the 250m boundary of Royal Oak quarry. It is therefore subject to Policy S8 of the Minerals Local Plan 2014 as it relates to Mineral Consultation Areas.
- The relevant planning application is ESS/35/17/MAL - *Continuation of use of land for mineral extraction through a revised phasing scheme without compliance with Conditions 20 (Soil Storage); 39 (Phasing Scheme) and 41 (Water Management) of planning permission ref no: ESS/19/14/MAL*
- The Decision Notice associated with application ESS/35/17/MAL states

(inter-alia) that:

- All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission shall be removed and the site restored in accordance with the conditions of this permission not later than 16th February 2031.
- A Mineral Consultation Area will therefore remain extant until 16th February 2031.
- Site D7 is not within 250m of a safeguarded waste site or allocation and therefore Policy S2 of the Waste Local Plan 2017 does not apply.

Site D8 – Land South of Barley Mead, Hyde Lane Danbury

- Site D8 is 2.4ha in total and is therefore below the threshold for Policy S8 of the Minerals Local Plan 2014 as it relates to Mineral Safeguarding Areas.
- Site D8 is not within 250m of a safeguarded minerals site or allocation and therefore Policy S8 of the Minerals Local Plan 2014 as it relates to Mineral Consultation Areas does not apply
- Site D8 is not within 250m of a safeguarded waste site or allocation and therefore Policy S2 of the Waste Local Plan 2017 does not apply.

Appendix 1 – Policy S8 of the Essex Minerals Local Plan 2014

Policy S8 – Safeguarding Mineral Resources & Mineral Reserves

By applying Mineral Safeguarding Areas (MSAs) and / or Mineral Consultation Areas (MCAs), the Mineral Planning Authority will safeguard mineral resources of national and local importance from surface development that would sterilise a significant economic resource or prejudice the effective working of a permitted mineral reserve, Preferred or Reserve Site allocation within the Minerals Local Plan. The Minerals Planning Authority shall be consulted, and its views taken into account, on proposed developments within MSAs and MCAs except for the excluded development identified in Appendix 5.

Mineral Safeguarding Areas

Mineral Safeguarding Areas are designated for mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance, as defined on the Policies Map.

The Mineral Planning Authority shall be consulted on:

All planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel, 3ha or more for chalk and greater than 1 dwelling for brickearth or brick clay; and

Any land-use policy, proposal or allocation relating to land within an MSA being considered by the Local Planning Authority for possible development as part of preparing a Local Plan (with regard to the above thresholds).

Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance. If, in the opinion of the Local Planning Authority, surface development should be permitted, consideration shall be given to the prior extraction of existing minerals.

Mineral Consultation Areas

MCAs are designated within and up to an area of 250 metres from each safeguarded permitted minerals development and Preferred and Reserve Site allocation as shown on the Policies Map and defined on the maps in Appendix 6. The Mineral Planning Authority shall be consulted on:

Any planning application for development on a site located within an MCA except for the excluded development identified in Appendix 5.

Any land-use policy, proposal or allocation relating to land within an MCA that is being considered as part of preparing a Local Plan Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.