



Report to Suffolk County Council

by Elizabeth Hill BSc(Hons), BPhil,
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 8000

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE SUFFOLK MINERALS
SPECIFIC SITE ALLOCATIONS**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 1st August 2008

Examination hearings held between 17-19 March 2009

File Ref: LDF828

ABBREVIATIONS

AA	Appropriate Assessment (under Habitats Regulations)
AM	Ancient Monument
AMR	Annual Monitoring Report
BGS	British Geological Survey
CPC	Chilton Parish Council
CS	Suffolk Minerals Core Strategy
DC(s)	District Council(s)
DPD	Development Plan Document
EA	Environment Agency
EH	English Heritage
ES	Environmental Statement
HGV	Heavy goods vehicle
LDF	Local Development Framework
LTP	Suffolk Local Transport Plan
MLP	Suffolk Minerals Local Plan
MPG/MPS	Minerals Policy Guidance/Minerals Policy Statement
m	metres
mph	miles per hour
mt	million tonnes
MWDS	Suffolk Minerals & Waste Development Scheme
NPC	Newton Parish Council
PPG15	Planning Policy Guidance Note 15: Planning and the Historic Environment
PPS12	Planning Policy Statement 12: Local Spatial Planning
RAWP	Regional Aggregates Working Party
RSPB	Royal Society for the Protection of Birds
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SLA	Special Landscape Area
WWII	World War Two

1 Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
 - (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and,
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Suffolk Minerals Specific Site Allocations DPD in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the DPD meets the requirements of the Act and Regulations. My role is also to consider the soundness of the submitted Suffolk Minerals Specific Site Allocations DPD against the three tests of soundness set out in PPS12 paragraphs 4.51-4.52. In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the legal requirements and/or the tests of soundness in PPS12. None of these changes should materially alter the substance of the overall plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.4 My report firstly considers the legal requirements, and then deals with the relevant matters and issues considered during the examination in terms of testing justification, effectiveness and consistency with national policy. My overall conclusion is that the Suffolk Minerals Specific Site Allocations DPD is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:
 - a) Adding information on the implementation and monitoring of the DPD;
 - b) Adding information on the relationship of Sites 1A and 2A at Waldringfield to the area for strategic housing growth put forward in Suffolk Coastal LDF;
 - c) Adding information on the protection of the historic environment; and,
 - d) Updating in respect of the planning applications for Site 6 at Chilton.
- 1.5 This report sets out all the detailed changes required, including those suggested by the Council, to ensure that the plan meets the legal requirements and the three tests of soundness. The details of all the changes to make the plan sound are set out in Annex A.

2 Legal Requirements

Consistency with the Local Development Scheme

- 2.1 The Suffolk Minerals Specific Site Allocations DPD is contained within the Council's Minerals and Waste Development Scheme (MWDS), dated May 2007. There, it is shown as having a submission date of May-June 2008. The DPD meets the role and content set in the MWDS, by identifying sites proposed for mineral working in the County within the plan period. It has generally been prepared in line with the timescale in the MWDS, although the submission to the Secretary of State was slightly later than the target date. Therefore I consider that this requirement has been met.
- 2.2 There are no saved policies from the Suffolk Minerals Local Plan (MLP) which are replaced by this DPD, the policies in the MLP were replaced by the policies in the Suffolk Minerals Core Strategy (CS), adopted in September 2008.

Compliance with the Statement of Community Involvement and Associated Regulations

- 2.3 The Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and was formally adopted by the Council before the examination hearings took place.
- 2.4 In terms of preparing the DPD, the Council carried out three calls for sites to be put forward, in September 2005 and January and May 2006. Criteria for selecting and assessing the sites were consulted on in May 2006 and revised in the light of comments received, as part of the CS consultations. There was six weeks' consultation on the first Issues and Options Paper, July 2006, which contained mainly factual matters and there was a further six weeks' consultation on the second Issues and Options Paper, April 2007, with a four week extension for the consideration of four revised proposals. The Preferred Options Paper, October 2007, together with the draft Sustainability Appraisal (SA) and Appropriate Assessment (AA), also had a 6 week consultation period. All the relevant interests, including the minerals industries, local communities, other local authorities and other relevant stakeholders were consulted at these stages. In addition, other meetings were held with stakeholders.
- 2.5 Newton Parish Council (NPC) has raised concerns about the level of stakeholder engagement in the preparation of the DPD and in particular, the allocation of Site 6 at Chilton. This site has also been the subject of two planning applications (B/07/00177/CMA and B/08/01182/CMA) for sand and gravel extraction etc during the DPD preparation period. NPC claim that they have been deliberately overloaded with work, since the consultation periods for the planning applications and subsequent, now withdrawn, appeal on the first application, coincided with periods of consultation on the DPD, the Minerals CS submission and papers on Waste DPDs.

- 2.6 However, it is the applicants not the Council, who determine when they will submit planning applications and the Council has to determine them within set timetables. The timescale of the publication of DPD papers is set through the MWDS. Whilst I sympathise with the NPC and others who effectively have to respond to many consultations in their spare time, I do not consider that respondents were deliberately flooded with work by the Council. At the hearings, I heard that, where the Council had been able to allow for extensions of time for responses, they had done so. In addition, there would have been some overlap of what was required for the objections to the planning applications/appeal and the DPD allocation.
- 2.7 The SCI allows for Community Area Forums, with at least one full meeting being shown for each DPD. NPC says that they do not recall being invited to any workshop/forum in respect of the DPD nor the proposal for the site for Chilton and there is no record of any such meetings in the Statement of Public Consultation. However, I was told that there was a public exhibition in connection with the first planning application and it is likely that further information on the development of the Chilton site would have been available to local residents. The Council say that they would have been willing to meet local residents and the Parish Councils for Newton and Chilton but that no meeting had been requested.
- 2.8 NPC and others say that they had difficulty in accessing the Council's website and submitting and viewing material through it and there are allegations that the website had to be accessed through the waste part of the website. The Council's responses to representations made to the submitted DPD were contained in the document of the same name, dated October 2008. At the hearings some of the representors claimed not to have seen this document, but it was published and put on the website. The layout and the access to the website might have caused inconvenience but I have not been made aware of anyone who was not able to make representations either on the website or through alternative methods. However, the Council may wish to consider whether improvements are necessary to the website so that it might play a more effective part in future consultations.
- 2.9 I am satisfied that the DPD was prepared in compliance with the minimum requirements set out in the 2004 Regulations. This test has therefore been met.

Sustainability Appraisal

- 2.10 Alongside the preparation of the DPD the Council has carried out a parallel process of SA. I deal with more general points made in this section and the application of SA to specific sites, below.
- 2.11 I consider that the SA has been carried out in accordance with the guidance in PPS12, using locally-derived objectives. There was some criticism at the hearings that the carbon footprint of sites

proposed for development and their associated activities had not been assessed. However, that is a particular measurement which is not required as part of the development plan process. SA takes into account a much wider range of objectives, some of which, for example, reducing greenhouse gases and minimising the effects of traffic, would also have an effect on the carbon footprint. The scoring system used is subjective but is the standard way of scoring under SA. Therefore I am satisfied that the requirements in respect of SA have been met.

- 2.12 In accordance with the Habitats Directive, an Appropriate Assessment (AA) has been undertaken in respect of Site 23, Cavenham Quarry (western extension). This has shown that there would be a significant effect on the conservation of the Breckland habitat Special Protection Area and Special Area of Conservation as a result of working the allocated site, due to the potential loss of foraging and breeding areas for the stone curlew, disturbance and the localised drawdown of groundwater in the short term during working. However, the wider area has already been the subject of restoration and a management plan in association with the RSPB. The AA shows that in the longer term the site would provide improved habitat for ground-breeding birds, in particular the stone curlew and woodlark. The fragmentation of the habitat would be reduced with linkage established to a nearby nature reserve and therefore there would be a positive effect as a result of the development. An earlier objection by the Environment Agency (EA) was withdrawn prior to the hearings and Natural England has no objections to the working of the site subject to being involved in framing mitigation and restoration proposals.
- 2.13 I am satisfied that the DPD has regard to national policy, including Minerals Planning Statements/Guidance (MPS/MPG).
- 2.14 The East of England Regional Assembly has indicated that the DPD is in general conformity with the approved Regional Spatial Strategy, the East of England Plan, and I am satisfied that it is in general conformity with this plan.
- 2.15 I am satisfied that the DPD has had regard to the sustainable community strategies for the area. Although there has been a representation that the development of the proposed site at Chilton would be contrary to the aims of the Suffolk's Community Strategy, this is mainly in terms of its sustainability, which is dealt with under the section on SA, above.
- 2.16 I am satisfied that the DPD complies with the specific requirements of the 2004 Regulations (as amended) including the requirements in relation to: the publication of the prescribed documents; availability of them for inspection and local advertisement; and, notification of DPD bodies.

- 2.17 Accordingly, I am satisfied that the legal requirements have all been satisfied.

3 Justified, Effective and Consistent with National Policy

- 3.1 I turn now to the issues in respect of the soundness of the DPD.

Issue 1 – Whether the DPD provides for sufficient quantity and quality of sand and gravel to comply with the apportionment set out in the RSS and Minerals CS.

- 3.2 I deal with this topic in general terms in this section. More detailed matters on the inclusion of specific sites, like Site 6 at Chilton, are dealt with below.
- 3.3 The sub-regional apportionment figure for aggregates set by the East of England Regional Aggregates Working Party (RAWP) in 2003 is 1.73mt per annum for Suffolk. The annual landbank calculation is based on this figure and Policy 1 of the CS says that the Council will allocate sites which provide for extraction of this amount of sand and gravel for the period to 2021.
- 3.4 The existing reserves of 17.70 mt would last until 2016 and to provide a continuing supply of sand and gravel to the end of the plan period, 2021, a further 8.25mt would need to be provided at a rate of 1.73 mt per year. The sites allocated would provide about 10.53mt over the plan period, giving an additional supply of about 2.28mt over the requirement. Although some representors have argued that this would be an oversupply, in my view it gives flexibility should some of the allocated sites not come forward as expected. The sites allocated are spread between a number of operators. Although there are concerns that one of the operators is dominant in the County, it seems to me that this is unlikely to have an adverse effect on the security of supply.
- 3.5 Most of the allocated sites are extensions to existing workings, rather than new standalone sites, in accordance with the advice in paragraph 15 of MPS1: Planning and Minerals. In addition, extensions are potentially more deliverable than new sites, which gives more certainty to the minerals supply. Timworth (12 and 12A) could be viewed as either a new site or a replacement site for the current workings at Ingham, since it would not be progressed until the latter site has been exhausted, which is likely to be in 2014. However, new infrastructure would be needed for its development and operation in any event.
- 3.6 As most of the sites allocated are extensions, there is reasonable information about their geology and the quality of the resource. The quality of the resource at Chilton is discussed below. However, concerns also were raised about the lack of information on the resource at the allocated site at Timworth. Most of this site was included in an area of search (AOS2) in the former MLP. There is

British Geological Society information on the site but the only borehole was said to have been taken off-site, with estimates provided by the agent for the site. At the hearing, the Council said that the adjacent site was currently being worked and produced aggregates, useful in concrete production. Although the geology of the area is variable, there has been interest from the minerals industry in the site and therefore it seems to me that the Council is justified in putting this site forward in the DPD.

- 3.7 There is some risk to the strategy if for any reason the new sites do not come forward or contain fewer reserves than expected, but there is always the prospect that there would be windfalls arising, for example, from working needing to take place prior to development. These are not counted in the allocations although, on past rates, they might contribute 3.85mt over the plan period, which gives further flexibility to both the quantity and quality of minerals coming forward.
- 3.8 The Council is already under a duty to produce an Annual Monitoring Report (AMR) to monitor sand and gravel sales and sites being brought forward and to review the plan every 5 years. This mechanism should ensure that an adequate landbank and supply of sand and gravel is maintained to comply with the apportionment set out in the RSS and Minerals CS.
- 3.9 As such, I conclude that the DPD is justified, effective and consistent with national policy and needs no further change in respect of this issue.

Issue 2 – Whether the DPD takes adequate account of other planning and policy documents prepared by the Council and the District Councils.

- 3.10 At the hearing it was confirmed that the Council's Local Transport Plan (LTP) had been taken into account in allocating the sites. It also had regard to the spatial strategy for site allocations set out in the CS. Map A - Key Diagram of the CS identified broad locations for sand and gravel extraction in the Gipping valley/A14 corridor, Sudbury area and north-east Suffolk, which in turn relate to Strategic Lorry Routes on A14, A131/A134/A12 and A12/A143 and assists in routing lorries to higher classification roads. The allocated sites also relate to the main areas for growth and change within the County identified in the RSS, which should also help in reducing distances travelled. Therefore I consider that the DPD has had regard to the LTP.
- 3.11 The plan has had regard to the LDFs of the District Councils (DCs) within Suffolk. However, a representation was received from Suffolk Coastal DC concerning the development of Sites 1A and 2A at Waldringfield, which lie within a mineral safeguarding area. The general area has the potential for housing and employment development and has been included in draft DPDs as such. It is

intended that the underlying minerals are extracted before development takes place and it was confirmed at the hearing that this had been agreed with the DC. However, the wording of the clarification is needed in the section on Waldringfield to ensure that prior extraction takes place and, the nature of the after-use if the development does not materialise. This could be achieved with minor amendments to the wording of the section.

3.12 I conclude that the submitted DPD is unsound since it does not currently include correct information on the relationship with Suffolk Coastal LDF.

3.13 The following changes are necessary to Chapter 3 to make the document sound:

Amendments to the sections on Sites 1A and 2A at Waldringfield, as set out in Annex A, below.

Issue 3 – Whether the sites selected are the most appropriate in all the circumstances having considered the relevant alternatives and that they are founded on a robust and credible evidence base.

3.14 This section relates to the general site selection process. Matters regarding Chilton are set out separately, below.

3.15 The various stages in the preparation of the DPD have been outlined above. The initial stages included a call for sites from the industry and I consider that this was the approach most likely to produce viable sites. The quality of the resources at the allocated sites, with the exception of Chilton, which is discussed below, has been discussed in the section on compatibility with the CS, above.

3.16 Much of the debate at the hearings focussed on whether the best sites had been chosen, with examples given of what representors thought were better options, including Barking and Creeting St Mary. These sites had been excluded at the Preferred Options stage.

3.17 Part of the site at Barking (Site 11) fell within an Area of Search in the former local plan, the rest of which now has planning permission as Gallows Hill Quarry and supplies the Lafarge processing plant at Barham railhead. The area with planning permission lies along the Gipping Valley but the deleted site is within a Special Landscape Area (SLA) on a spur on the valley side. The supplied borehole information shows that the material available is of high quality, with a high proportion of stone and some sharp sand. There is some enclosure by the rising ground but the site would be visible in places from the road and footpath. The submitted landscape appraisal shows that mitigation could be achieved through the direction of working and advance mounding and planting.

- 3.18 Allocated sites, including Site 5A at Barham and Coddenham are within SLAs and have other constraints, including the proximity of Ancient Woodland at Barham, but both of these are extensions to existing quarries. Whilst the operators need a continuous supply from this area to ensure the retention of the railhead and other plant at Barham, the Council say in their Preferred Options document that this could be a successor site to the existing Gallows Hill Quarry which would be completed in 2015. As such, it could be considered as part of any subsequent review of the DPD.
- 3.19 The site at Creeting St Mary (Site 13) would yield about 0.5mt and would be worked specifically to provide material for the adjacent specialised blockwork plant. Working in this location would be a more sustainable solution in terms of transport and the operator considers that work could take place in a carbon neutral way. This issue has already been considered in the section on the sustainability appraisal, above, and efficient movement patterns are one of the criteria in the appraisal.
- 3.20 A planning application was submitted and subsequently withdrawn for the site, due to further information being required on the impact on the adjacent River Gipping, the landscape of the area including its recreation and tourism value, the hydrogeology of the area, the river footpath and other matters. At the hearing the operator said that progress had been made with the EA on matters concerning the water environment, although no substantive evidence was produced to show that they had been satisfactorily resolved.
- 3.21 An appeal (Ref APP/D3450/A/04/1159951) on a site at Captain's Barn Farm, Staffordshire, was submitted in support of the allocation at Site 13. The appeal site was not only in the Green Belt but, in common with Site 13, was in a Special Landscape Area, with recreational potential. In the case of the appeal, the temporary effect on the openness of the Green Belt was slight and the overall harm was outweighed by the need for the resource and the reduction in haulage distance. The proposer for Site 13 argues that the original reasons for the refusal of the planning permission in the appeal case were similar to those given when Site 13 was rejected for inclusion in the DPD. However, there are also issues relating to the water environment in the case of the latter site, in addition to those relating to visual and recreational amenity. Nevertheless, if the environmental problems associated with working the site can be overcome, then it might be suitable for consideration as an allocated site in the next review of the DPD.
- 3.22 Therefore, I conclude that the sites selected are the most appropriate in all the circumstances having considered the relevant alternatives and they are founded on a robust and credible evidence base. As such, no further change is needed in respect of this issue.

Issue 4 – Whether the DPD has clear mechanisms for implementation and monitoring and is sufficiently flexible to cope with changing circumstances.

- 3.23 The Council say that all of the sites have been the subject of interest from a minerals company and the Council considers that they are all viable.
- 3.24 The main section on implementation and monitoring of the mineral resources and sales in the County is contained in Chapter 10 of the CS. It sets out what is needed to be contained in the AMR, including the viability of the proposed sites, planning applications and consultations, the soundness of policies and annual sales and reserves monitoring. The role of the AMR in relation to the SA is set out in the table following paragraph 10.10.1.
- 3.25 No specific triggers have been put forward which would initiate a review of the DPD. However, a review is envisaged every 5 years and before then if the sub-regional apportionment was not being reached. I consider that this should be made clear in the document itself rather than just being in the CS. This would require a short paragraph being added to Chapter 2 on the background to the DPD.
- 3.26 The DPD does not take windfalls into account but any sites which received planning permission would form part of the landbank and be taken into account in the monitoring process. In turn this would feed into subsequent reviews of the DPD.
- 3.27 One representor claims that the implementation of the DPD as submitted would be unsound since it would continue an unsustainable means of sourcing a concrete products factory when a nearby site could be allocated. This matter has been covered in the section on the site at Creeting St Mary, above.
- 3.28 Therefore, I conclude that the DPD is unsound as submitted since it makes no specific reference to implementation and monitoring and, as such, it would fail the test of effectiveness. However, the mechanisms for implementation and monitoring are contained within the CS, which has already been found to be sound.
- 3.29 In order to make the DPD sound a statement on implementation and monitoring, cross-referenced to Chapter 10 of the CS, is necessary at the end of Chapter 2, as set out in Annex A.

Issue 5 – Whether the DPD has had adequate regard to the historic environment of the area

- 3.30 Representations have been made by English Heritage (EH) about site specific impacts of sand and gravel working at Sites 1A and 2A at Waldringfield, Site 3 at Coddendam, Site 5B at Barham, Site 12A at Timworth and Site 16 Homersfield/Flixton on the historic environment. Following the submission of the DPD there was

further correspondence on the matter between the Council and EH and site visits were held. The site visits have led to some representations being withdrawn and further buildings/installations of interest being found. Subsequently the Council has submitted additional wording to cover the concerns of EH, which has been agreed by them.

- 3.31 The area around Sites 1A and 2A at Waldringfield contain a number of prehistoric burial mounds, some of which are scheduled Ancient Monuments (AMs). The Council says that a survey of these areas has already been carried out as part of the proposed extensions to development at Adastral Park with only known tumuli in the area being found. Site 2A contains an AM, a tumulus, and there would need to be prior archaeological investigation of the site and the area around the AM excluded from extraction. The setting of other tumuli in the area is acknowledged to be already compromised by existing development. The working of the sites which is expected to be above groundwater levels and their eventual restoration would have little further effect on the AMs. In addition, a Second World War (WWII) radar installation would need recording prior to extraction taking place and wording would need to be added to reflect this matter.
- 3.32 Site 3 at Coddendam is adjacent to Grade 1 Shrubland Historic Park and Gardens and is an extension to an existing site, which has its access within the park. It has been agreed that the access could be restored to parkland when working eventually ceases. Most of the site is surrounded by woodland and detailed proposals for mitigation both during working and for the restoration and after-use of the site would need to accompany any planning application. The existing workings are separated by mounding and landscaping from the park and similar mitigation, to be the subject of detailed proposals, would be likely to be effective in this case. The setting of the parkland would be likely to be preserved in accordance with paragraph 2.24 of Planning Policy Guidance Note 15 (PPG15): Planning and the Historic Environment. Restoration could be to woodland or agriculture which could complement or enhance the existing parkland.
- 3.33 A representation was made by EH concerning the impact of the proposed workings at Site 5B, Barham, on the Grade 1 listed Barham church. The church is a little distance from the nearest part of the proposed site and the topography of the area and the depth of working would mean that boundary treatment in terms of bunding and landscaping would be likely to be effective in screening the workings from the church and its setting. However, there is a WWII pill box in one corner of the existing quarry which needs to be protected and additional wording would be needed to cover this matter.
- 3.34 Sites 12 and 12A at Timworth were previously the subject of a representation concerning the effect of extraction on the setting of

the Grade II* listed church to the north-west of the site, although EH have subsequently withdrawn this representation. However, St Edmundsbury Borough Council considered that the sites should be the subject of environmental assessment, which would need to accompany any planning application. Following a site visit, EH has suggested that wording should be included to ensure the protection of the setting of Green Farmhouse at Timworth Green, which is Grade II* listed. The additional wording proposed would ensure that the setting of the farmhouse was included in any environmental assessment of the site.

3.35 Site 16 at Homersfield/Flixton was also the subject of representations by EH because of the effect on the setting of the Grade II* listed church at Homersfield. This was unconditionally withdrawn as a result of a site visit held with the Council.

3.36 I conclude that the submitted DPD is unsound since it does not include all of the information necessary to safeguard the historic environment.

3.37 The following changes are necessary to Chapter 3 to make the document sound:

Additional/amended wording for Sites 1A and 2A at Waldringfield, Site 3 at Coddendam, Site 5B at Barham and Site 12A at Timworth, as set out in Annex A, below, for the purposes of clarification and the protection of WWII structures.

Issue 6 – Whether Site 6 (Chilton) should be allocated for sand and gravel working

3.38 Site 6 at Chilton was allocated as a new site in the former MLP, although representors say that the site selection criteria were not met either for that plan or the current DPD. The seam thickness varies, but averages about 1.9m which is only a little short of the 2m thickness in the selection criteria, which in any event are only a general guide. In other respects the site selection criteria would generally be met. The deposits are said to have a relatively high stone and silt content, and the mineral would require crushing and washing, but this would produce a quality concreting aggregate. The site has been the subject of two planning applications, referenced above, which I consider shows it to be economically viable.

3.39 The sub-regional apportionment could be met without the inclusion of the site. However, if it were to be deleted the DPD would not be sufficiently flexible to deal with any other, as yet unforeseen, problems with the development of the other allocated sites. The site is not located along the A14 but it is in the area around Sudbury which is indicated as one of the broad locations for sand and gravel extraction in the Key Diagram Map A in the CS.

- 3.40 The two planning applications on the site were both refused planning permission against officer advice on the grounds of highway safety on the A134 and the adverse environmental impact on the existing road network. Neither of those applications are before me, although at the hearings plans of the junctions proposed as part of these applications were produced by the Council and I have treated them as illustrating how the development might be accessed.
- 3.41 The A134 is a busy, sinuous road carrying about 12,000 vehicles per day, but the Council says that it is still well within its capacity. It forms part of the strategic lorry network and the Council considers that it is sufficiently wide, at about an average of 6m, to fulfil this function, although there were anecdotal reports of large lorries having to stop to pass. The application determined in December 2008 shows that the amount of ancillary works/processing could be reduced from that in the first application, decreasing the number of traffic movements to and from the site to 29 in and 29 out per day. Any further development requiring the import of material and processes involving further vehicle movements could be controlled through condition withdrawing permitted development rights and limiting lorry movements. The number of additional HGVs using the A134 as a result of the development would not be a substantial increase over and above the existing number of HGVs and general traffic already using the road and would be likely to have little impact on congestion levels in the general area.
- 3.42 The first planning application included a priority turn junction and the second a roundabout junction. In addition to the junction works, further improvements to the alignment of the road in one direction would be needed to secure sightlines from the junction. With the additional works it would be possible to design the junction to the standards of the Design Manual for Roads and Bridges of 215m visibility in both directions along the A134 which has a national speed limit (60mph in this case). The brow of the hill out of Sudbury is beyond this distance and at the hearing it was confirmed that the size and likely speed of lorries using the junction had been taken into account in its design.
- 3.43 The accident record for the past three years, to 31 December 2008, shows 11 accidents on the A134 between Northern Road roundabout and the Saracen's Head Public House in Newton. The Council acknowledges that the accident rate on the road is unsatisfactory and there have been representations not only from local people and the Parish Councils but also the police. However, only two accidents appear to involve turning movements and most involve driver error. A longer series of data from 2001 produced by Chilton Parish Council shows more accidents resulting from turning manoeuvres but at the hearing it was said that these were probably from older substandard accesses, rather than a new access built to modern design standards. The priority right turn junction would

increase the width of the road but lane width would remain similar to that at present and I do not consider that this would necessarily lead to an increase in speed in the area of the junction.

- 3.44 At the hearing I was told that both the priority turn and roundabout junctions have been subject to the Council's highway safety audit procedures and it has been concluded that both types of junction would be suitable. However, the Council's current position is that it would prefer the priority turn junction due to the unbalanced flows into and out of the site using the minor arm of the roundabout. Some of the other junctions along the A134 are not designed to the standard above, but I see no reason why a new access designed to modern standards would have a significant impact on the safety of the road.
- 3.45 The two planning applications were also refused planning permission on the grounds of the environmental impact on local roads. This included the effect of wet load being deposited on roads away from the access to the site. More modern lorries are sealed but it was acknowledged at the hearing that older vehicles such as builders' lorries might not be sealed. In this case the access road is short but on-site management practices would have a role in reducing the spillage of wet material. It is also a matter which is covered under other legislation, for example, ss148, 149 and 161 of the Highways Act 1980.
- 3.46 There would be some changes to the landscape of the area, which is not the subject of any landscape designations, and the site would be likely to be restored to a low bowl shape rather than the raised plateau which exists at present. However, it seems to me that this would be in keeping with the surrounding area and there would be the opportunity to increase the biodiversity of the area subsequently. A footpath would require diversion but this could be restored to its original route as part of the general restoration of the area. Local people say that there are protected species in the area but the site has been the subject of an Environmental Statement (ES) and an ecological assessment by the Council. These studies found the area to be of low ecological value and the Council considers that the mitigation put forward in the ES would be sufficient to address any potential impact. Landscaped buffer areas would help to mitigate the visual impact of the development. Noise and dust generated would be within acceptable limits, despite possible stone-crushing, and would be the subject of suitably-worded conditions.
- 3.47 The site is in the ownership of the Council but has been the subject of selection criteria applied to all the sites put forward by landowners. County Councils regularly make planning decisions through their regulatory committees on sites in their ownership. Therefore I do not consider that there is a conflict of interest in this case.

- 3.48 Although two planning applications have been refused on the site, one of the applications could still be the subject of an appeal, or a further planning application could come forward.
- 3.49 Finally, the DPD is not up-to-date in terms of the progression of the two planning applications which have come forward and in order to make it sound some updating would be required.
- 3.50 I conclude that Site 6 (Chilton) should be allocated for sand and gravel working and the DPD is sound with its inclusion.
- 3.51 However, the DPD needs updating in respect of the planning applications/appeal made on the site. The Council has suggested amendments to sections of Chapters 1, 2 and 3 concerning Chilton which are set out in Annex A.

4 Other Changes

- 4.1 Finally, I turn to two further changes required to make the plan sound. The allocation of the sites is implicit in the preparation of the document and the list of sites at the start of Chapter 3 of the DPD. However, to make it sound, the DPD should include a policy allocating them, cross-referenced to the generic development control policies which are contained in the CS. Although it requires the addition of a policy as set out in Annex A, I consider this to be only a minor change to the DPD.
- 4.2 The other matter concerns the relationship of the Inset Maps in the DPD to the Proposals Map, which was discussed at the hearings. The Proposals Map is included inside the rear cover of the CS. This shows Minerals Consultation Areas and Safeguarding Sites and Proposed Sites diagrammatically, with Inset Maps for the Safeguarding Sites included in the CS document and more detailed Site Maps for the Allocated Sites shown in this DPD. At present, there is no reference to the Proposals Map in the DPD. In order to set the context for the Site Maps and the locations for minerals development within the County, I consider that the Proposals Map should be cross-referenced in the text to make the DPD sound.

5 Overall Conclusions

- 5.1 I conclude that, with the amendments I recommend, the Suffolk Specific Site Allocations DPD satisfies the requirements of s20(5) of the 2004 Act and meets the tests of soundness in PPS12.

E A Hill
INSPECTOR

Annex A

Schedule of changes (in Chapter order)

The following Schedule sets out the changes that are necessary to make sound and update and clarify the DPD. It includes all my recommendations described earlier in this Report together with changes put forward by the Councils to update the document, particularly in respect of the site at Chilton. The Council's changes updating the DPD relate to paragraphs 1.16, 2.4, Site 6 paragraph 1.1 and the wording after the table of allocated sites in Chapter 3. The remainder of the changes are those required to make the DPD sound.

Changes to Chapter 1

Existing paragraph 1.16 should be deleted and replaced with the following paragraph:

- 1.16 A planning application to develop the site at Chilton (site 6) was considered by the Council's Development Control Committee in March 2008. The Committee refused the application against officer advice on the following grounds: a. the proposal was detrimental to the free flow and safety of traffic that used the A134; and b. the proposal had an adverse environmental impact on the existing road network. A further planning application was then submitted, with modified access arrangements, and was refused against officer advice in December 2008 on the same grounds. However the site remains as a proposal within the Site Allocations DPD on the basis that the County Council approved the Submission document in July 2008 and potentially planning permission might still be granted via a further application or an appeal.

Changes to Chapter 2

Existing paragraph 2.4 should be deleted and replaced with the following paragraph:

- 2.4 The proposed extensions to existing sites are expected to be developed as existing workings become exhausted. There is a high expectation that these sites will be developed as they have been put forward by the minerals industry. As regards the proposed new site at Timworth this should await the completion of the current workings nearby and work might be expected to commence in 2014. Two planning applications have already been made in respect of the site at Chilton, and although these have been refused by the Development Control Committee against officer advice, the site may still potentially be granted planning permission via a further application or an appeal.

The following text should be added to the end of paragraph 2.7:

Detailed Site Plans of the allocated sites are included in Chapter 3. The sites are also shown diagrammatically on the Proposals Map, which is included at the rear of the Suffolk Minerals Core Strategy.

New paragraph 2.10 and the heading below should be added.

Implementation and monitoring

- 2.10 Chapter 10 of the Minerals Core Strategy sets out the approach to the implementation and monitoring minerals operations in the County. The Minerals Specific Site Allocations DPD will be regularly reviewed on a five year basis or sooner if required as indicated by the Annual Monitoring Report. Circumstances that would indicate the need for an early review would include the loss of available sites that would lead to a shortfall in provision being made, to the extent that the sub-regional apportionment would not be met.

Changes to Chapter 3

The following Policy should be added under Chapter 3 – Proposed Sites

POLICY MSSA 1: The County Council will grant planning permission for sand and gravel working from within the following proposed sites, as shown on the proposals map, subject to the other relevant policies of the Development Plan.

The following wording should be added after the table of allocated sites:

Two of the allocated sites have been carried over from the Suffolk Minerals Local Plan, which has now been replaced by the Minerals Core Strategy and the Minerals Specific Sites Allocations documents. These are Site 6 at Chilton, which has been the subject of two planning applications, and sites 12 and 12A at Timworth, that await the exhaustion of the nearby existing workings before they can be developed.

Site 1A: Waldringfield Quarry

Existing paragraphs 1.5, 1.6 and 4.3 should be deleted and replaced with the following paragraphs:

- 1.5 Restoration would be at the lower level with no importation of fill material.
- 1.6 The site is potentially part of a wider area that has been indicated in the Suffolk Coastal LDF Core Strategy as being the preferred location for strategic housing growth. This has still to be the subject of

Examination. If it were to be allocated then the landowner, British Telecom, would need to remove the existing field testing facilities and phased development would need to follow phased minerals extraction.

- 4.3 If the land is not incorporated into the Suffolk Coastal LDF as an area for strategic housing growth, or planning permission is not granted for uses other than minerals extraction, then a comprehensive restoration, to include significant areas of heathland, is the preferred after-use.

Existing paragraph 1.6 should be renumbered as 1.7.

Site 2A: Waldringfield Quarry

Existing paragraph 1.5 should be deleted and replaced with the following paragraph:

- 1.5 Restoration would be at the lower level with no importation of fill material.

New paragraph 1.6, below, should be added:

- 1.6 The site is potentially part of a wider area that has been indicated in the Suffolk Coastal LDF Core Strategy as being the preferred location for strategic housing growth. This has still to be the subject of Examination. If it were to be allocated then the landowner, British Telecom, would need to remove the existing field testing facilities and phased development would need to follow phased minerals extraction.

Existing paragraph 2.2 should be deleted and replaced with the following paragraph:

- 2.2 Prior archaeological investigation would be required and an area around the Scheduled Ancient Monument excluded from extraction. In addition, there is a WWII Radar Installation located in the middle of the site which will require recording prior to extraction operations taking place.

New paragraph 4.2, below, should be added:

- 4.2 If the land is not incorporated into the Suffolk Coastal LDF as an area for strategic housing growth, or planning permission is not granted for uses other than minerals extraction, then a comprehensive restoration, to include significant areas of heathland, is the preferred after-use.

Site 3: Coddendam (Shrubland Quarry)

Existing paragraph 1.4 should be deleted and replaced with the following paragraph:

1.4 Shrubland Grade 1 Historic Park and Gardens lie to the south-east.

New paragraph 2.3, below, should be added:

2.3 Detailed proposals to extract minerals from this site will need to demonstrate that there would be no significant detrimental impact upon Shrubland Grade 1 Historic Park and Gardens during the course of extraction operations and following restoration.

Sites 5A and 5B: Barham

New paragraph 2.4, below, should be added:

2.4 There is a WWII Pill Box located in the south-west corner of the existing workings that will require a suitable margin around it of undisturbed land to be left in place to ensure support to the structure is maintained, and to prevent damage from vehicles and other equipment occurring.

Site 6: Chilton

Existing paragraph 1.1 should be deleted and replaced with the following paragraph:

1.1 A Planning Application to develop the site at Chilton (site 6) was considered by the Development Control Committee in March 2008. The Committee refused the application against officer advice on the following grounds: a. the proposal was detrimental to the free flow and safety of traffic that used the A134; and b. the proposal had an adverse environmental impact on the existing road network. A further planning application was then submitted with modified access arrangements, and was refused against officer advice in December 2008 on the same grounds. However the site remains as a proposal within the Site Allocations DPD on the basis that the County Council approved the Submission document in July 2008 and potentially planning permission might still be granted via a further application or an appeal.

Sites 12 and 12A Timworth

The paragraph below should be added as paragraph 2.1:

- 2.1 Green Farmhouse is located at the northern end of the western portion of the site and is Grade II listed. Proposals to work the site, including final restoration, will need to safeguard its setting.

Existing paragraph 2.1 should be renumbered as 2.2.