Minerals and Waste Local Plan Publication Stage Representation Form

Page 1: Suffolk Minerals and Waste Local Plan Publication Stage Representation

Q1. Please state if you are responding:

As an agent

Q2. Personal Details:

No Response

Q3. Agent's Details:

<table>
<thead>
<tr>
<th>Title</th>
<th>Mr</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td>Shaun</td>
</tr>
<tr>
<td>Last Name</td>
<td>Denny (received via post)</td>
</tr>
<tr>
<td>Job Title</td>
<td>Development Planner</td>
</tr>
<tr>
<td>Organisation</td>
<td>Cemex UK Operations Limited</td>
</tr>
<tr>
<td>Address Line 1</td>
<td>Wolverhampton Road</td>
</tr>
<tr>
<td>Address Line 2</td>
<td>Oldbury</td>
</tr>
<tr>
<td>Address Line 3</td>
<td>Warley</td>
</tr>
<tr>
<td>Address Line 4</td>
<td>West Midlands</td>
</tr>
<tr>
<td>Post Code</td>
<td>B69 4RJ</td>
</tr>
<tr>
<td>Telephone Number</td>
<td></td>
</tr>
<tr>
<td>Email address</td>
<td></td>
</tr>
<tr>
<td>Name and address of the person or organisation you are acting as an agent for</td>
<td>Cemex UK Operations Limited</td>
</tr>
</tbody>
</table>

Q4. To which part of the Local Plan does this representation relate?

<table>
<thead>
<tr>
<th>Paragraph</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy</td>
<td>MP2</td>
</tr>
<tr>
<td>Policies Map</td>
<td>Wangford</td>
</tr>
</tbody>
</table>
Q5. Do you consider the Local Plan is

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Legally compliant</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(2) Sound</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(3) Complies with the Duty to co-operate</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Q6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Not applicable

Q7. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Not applicable

Q8. SCC Response

*No Response*

Q9. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral examination

Q10. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To be able to provide support and explanation to the submitted evidence base as required.

Q11. Your details:

<table>
<thead>
<tr>
<th>Name</th>
<th>S Denny</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>19 July 2018</td>
</tr>
</tbody>
</table>
18th July 2018

Graham Gunby,
Development Manager,
Suffolk County Council,
8 Russell Street,
Ipswich,
Suffolk.
IP1 2BX.

Dear Mr. Gunby,

Suffolk Minerals & Waste Local Plan
Publication Stage Representations
CEMEX UK Materials Ltd.

Further to the above please find enclosed representations made on behalf of CEMEX UK Materials Ltd. With the exception of the Representation Forms the documents forming the Company's submissions are attached in .pdf form only due to their extent. Such hard copies be required please do not hesitate to contact me, although please note that I will be on annual leave until the 6th August.

Acknowledgement that the Company's representations have been duly made would be appreciated in due course.

Yours sincerely,

Shaun Denny
Development Planner
**Part A**

1. **Personal Details***

   *If an agent is appointed, please complete only the, Title, Name and Organisation boxes below but complete the full contact details of the Agent in 2.*

<table>
<thead>
<tr>
<th>Title</th>
<th>MR</th>
</tr>
</thead>
<tbody>
<tr>
<td>First name</td>
<td>SHAUN</td>
</tr>
<tr>
<td>Last Name</td>
<td>DENNY</td>
</tr>
<tr>
<td>Job Title (where relevant)</td>
<td>DEVELOPMENT PLANNER</td>
</tr>
<tr>
<td>Organisation (where relevant)</td>
<td>CEMEX UK OPERATIONS LIMITED</td>
</tr>
<tr>
<td>Address Line 1</td>
<td>WOLVERHAMPTON ROAD</td>
</tr>
<tr>
<td>Address Line 2</td>
<td>OLDBURY</td>
</tr>
<tr>
<td>Address Line 3</td>
<td>WARLEY</td>
</tr>
<tr>
<td>Address Line 4</td>
<td>WEST MIDLANDS</td>
</tr>
<tr>
<td>Post Code</td>
<td>B69 4RJ</td>
</tr>
</tbody>
</table>

**Telephone Number & Email Address** (where relevant)

[Redacted]
Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?
   Paragraph   Policy   MP2   Policies Map

4. Do you consider the Local Plan is:
   4. (1) Legally Compliant
      Yes   X   No   
   4. (2) Sound
      Yes   X   No   
   4. (3) Complies with Duty to co-operate
      Yes   X   No   

Please tick as appropriate

5. Please give details of why you consider the Local Plan in not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please use this box to set out your comments.

NOT APPLICABLE
6. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised working of any policy or text. Please be as precise as possible.

NOT APPLICABLE

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination

☐ Yes, I wish to participate at the oral examination
8. If you wish to participate as the oral part of the examination, please outline why you consider this to be necessary:

TO BE ABLE TO PROVIDE SUPPORT AND EXPLANATION
TO THE SUBMITTED EVIDENCE BASE AS REQUIRED

Please note that the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:  

Date: 19th JULY 2018

Please return to: Graham Gunby, Development Manager, Suffolk County Council, 8 Russell Road, Ipswich, Suffolk, IP1 2BX. All correspondence must be received by Monday 23rd July 2018 at 17:00, or the views expressed will not be able to be taken into account.

Notes to Accompany Representation Form

1. Introduction

1.1. The plan is published in order for representations to be made prior to submission. The representations will be considered alongside the published plan when submitted, which will be examined by a Planning Inspector. The Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) states that the purpose of the examination is to consider whether the plan complies with the legal requirement, the duty to co-operate and is sound.

2. Legal Compliance and Duty to Co-operate

2.1. The Inspector will first check that the plan meets legal requirements under s20(5)(a) and the duty to co-operate under s20(5)(c) of the PCPA before moving on to test for soundness.

2.2. You should consider the following before making a representation on legal compliance:
The plan in question should be included in the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the LPA, setting out the Local Development Documents (LDDs) it proposes to produce. It will set out the key stages in production of any plans which the LPA proposes to bring forward for independent examination. If the plan is not in current LDS it should not have been published for representations. The LDS should be on the PLA’s website and available at its main offices.

The process of community involvement for the plan in question should be in general accordance with the LPA’s Statement of Community Involvement (SCI) (where one exists). The SCI sets out the LPA’s strategy for involving the community in the preparation and revision of LDDs (including plans) and the consideration of planning applications.

The Plan should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012 (the regulations). On publication, the LPA must publish the documents prescribed in the Regulations, and make them available at its principle offices and on its website. The LPA must also notify the various persons and organisations set out in the Regulations and any persons who have requested to be notified.

The LPA is required to provide a Sustainability Appraisal Report when it publishes a plan. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economical factors.

In London, the plan should be in general conformity with the London Plan (the Spatial Development Strategy).

2.3. You should consider the following before making a representation on compliance with the duty to co-operate.

- The duty to co-operate came into force on 15 November 20011 and any plan submitted for examination on or after this date will be examined for compliance. LPAs will be expected to provide evidence of how they have complied with any requirements arising from the duty.
- The PCPA establishes that non-compliance with the duty to co-operation cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in the regard. Where duty has not been complied with, the Inspector has no choice but to recommended non-adoption of the plan.

3. Soundness

3.1. Soundness is explained in paragraph 182 of the National Planning Policy Framework (NPPF). The Inspector has to be satisfied that the plan is positively prepared, justified, effective and consistent with national policy:
• **Positively prepared:** This means that the plan should be prepared based on strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

• **Justified:** The plan should be the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence.

• **Effective:** The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

• **Consistent with national policy:** The plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

3.2. If you think the content of the plan is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy (or the London Plan)? If so it does not need to be included?
- Is what you are concerned with covered by any other policies in the plan on which you are seeking to make representations or in any other plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

4. General Advice

4.1. If you wish to make a representation seeking a modification to a plan or part of a plan you should make clear in what way the plan or part of the plan is inadequate having regard to legal compliance, the duty to cooperate and the four requirements of soundness set out above. You should try to support your representation by evidence showing why the plan should be modified. It will be helpful if you also say precisely how you think the plan should be modified. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

4.2. Where there are groups who share a common view on how they wish to see a plan modified, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.