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: | |
| Title | Mr |
| First Name | Douglas |
| Last Name | Symes (received via email) |
| Job Title (where relevant - if this is not relevant, please write N/A) | N/A |
| Organisation (where relevant - if this is not relevant, please write N/A) | D.K. Symes Associates |
| Address Line 1 | Middleton Cheney |
| Address Line 2 | Banbury |
| Address Line 3 (if this is not required, please write N/A) | Oxon |
| Address Line 4 (if this is not required, please write N/A) | N/A |
| Post Code | OX17 2ND |
| Telephone Number (if you do not wish to provide this information, please write N/A) | 
| Email address (where relevant - if this is not relevant, please write N/A) | 
| Name and address of the person or organisation you are acting as an agent for | Frederick Hiam Ltd |

| Q4. To which part of the Local Plan does this representation relate? | |
| Paragraph | 11.1-11.27 |
| Policy | - |
| Policies Map | Cavenham |
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>X</td>
<td></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>X</td>
<td></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.

The outline of the development focuses on the activities at Cavenham Quarry and not the Proposed Development area. The comments need to allow greater flexibility to allow the proposed site to be developed independently of the existing Cavenham Quarry as indicated by Policy MPS. For example, the development of a ‘replacement’ quarry to Cavenham could be phased such that it follows completion of mineral extraction at Cavenham Quarry thereby maintaining a supply from this proposed site. It is this flexibility that is needed to ensure soundness that this proposed site will be developed to contribute to maintaining a supply of sand and gravel through the Plan period.

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.

See attachment

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:

In order that this matter is fully examined

Q11. Your details:

Name D K Symes
Date 23 July 2018
This form has two parts –
Part A – Personal Details
Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

### Part A

<table>
<thead>
<tr>
<th>1. Personal Details*</th>
<th>2. Agent’s Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Mr.</td>
</tr>
<tr>
<td>First name</td>
<td>Douglas</td>
</tr>
<tr>
<td>Last Name</td>
<td>Symes</td>
</tr>
<tr>
<td>Job Title (where relevant)</td>
<td></td>
</tr>
<tr>
<td>Organisation (where relevant)</td>
<td>D.K. Symes Associates</td>
</tr>
<tr>
<td>Address Line 1</td>
<td>39 Main Road</td>
</tr>
<tr>
<td>Address Line 2</td>
<td>Middleton Cheney</td>
</tr>
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<tr>
<td>Telephone Number &amp; Email Address (where relevant)</td>
<td></td>
</tr>
</tbody>
</table>
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 11.1-11.27

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

The outline of the development focuses on the activities at Cavenham Quarry and not the Proposed Development area. The comments need to allow greater flexibility to allow the proposed site to be developed independently of the existing Cavenham Quarry as indicated by Policy MP5. For example, the development of a 'replacement' quarry to Cavenham could be phased such that it follows completion of mineral extraction at Cavenham Quarry thereby maintaining a supply from this proposed site.

It is this flexibility that is needed to ensure soundness that this proposed site will be developed to contribute to maintaining a supply of sand and gravel through the Plan period.
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.

Please see the attached schedule.

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:

In order that this matter is fully examined.

*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: [Redacted] Date: 23/07/2018

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 2001 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.
Suffolk Minerals & Waste Local Plan, Submission Draft, June 2018

11. Cavenham

Proposed development

11.1 The proposed development is adjacent to the existing long standing sand and gravel quarrying operations at Cavenham Quarry. The preference is for the site to be worked as an extension, but subject to phasing it could be developed as a replacement subject to policy MP5.

11.2 At the existing Cavenham Quarry the sand and gravel is extracted and transported to the processing area by dump trucks. Once at the processing plant it is washed and sorted into different grades. It is then loaded onto lorries for transportation to various construction sites.

11.3 The road access to the proposed development is the same as that for Cavenham Quarry and utilises the C class roads to access the wider road network via the villages of Cavenham and Tuddenham St Mary. The roads are however part of Suffolk Lorry Route Network and are designated as Local Access Lorry Routes. It is noted there is local concern on lorry movements locally and alternative routes should be investigated if there is to be an increase in lorry movements over historic levels.

11.4 At Cavenham Quarry Middleton Aggregates currently operate an aggregates recycling area adjacent to the sand and gravel processing plant. Breedon Aggregates currently also operate an asphalt plant adjacent to the existing sand and gravel processing plant. In both cases using the existing access arrangements.

11.5 Originally the quarry started within the former World War II and Cold War Tuddenham Airfield. Extensions have since been dug to the north towards the River Lark. These proposals would extend the quarry to the south and west and bring mineral / restoration activity closer to the villages of Cavenham and Tuddenham St Mary.
11.6 Historically restoration has been designed to enhance habitat for the ground nesting Stone Curlew as the area is within a Special Protection Area. *Restoration of the proposed development site should be to a mixture of agricultural land and nature conservation that is in keeping with the Breckland status of this locality.*

11.7 *The proposed development will be worked in phases (in line with Policy MP6) with importation of inert materials (mainly soils and clays) to ensure good quality restoration. This reflects the proposals for Cavenham Quarry where imported materials and consolidation of the aggregates recycling area (that would remove any recyclable materials from the imported inert waste materials) are proposed.*

Geology

11.8 No change

Development Plan and Planning Applications

11.9 No change

Highways

11.10 The existing access arrangements are acceptable based on the existing flows. *Should the traffic movements increase above historic levels the alternative routes should be investigated.*

Landscape

11.11 No change

Historic Buildings

11.12 No change

Archaeology

11.13 No change
11.14 No change

11.15 No change

11.16 No change

Ecology

11.17 No change

Air Quality

11.18 *The site is adjacent* to the existing quarry boundary and is currently agricultural land. Extraction could begin at the Site as early as 2020.

11.19 No change

11.20 No change

11.21 No change

11.22 No change

11.23 *There is a risk of cumulative impacts when extraction / restoration activities on the proposed development site coincide with activities on the existing quarry site.*

11.24 No change

Noise

11.25 No change

Public Rights of Way

11.26 No change
Floods

11.27 No change