REPORT ON THE OBJECTIONS TO

SUFFOLK MINERALS LOCAL PLAN

INSPECTOR:
GEOFFREY HILL  BSc DipTP MRTPi

Dates of inquiry:  
13 May 1997 - 22 May 1997
11 June 1997 - 27 June 1997
15 July 1997 - 25 July 1997
26 September 1997
The Chief Executive
Suffolk County Council
County Hall
Ipswich
Suffolk IP4 1LZ

Your Ref:
Our Ref: PINS/V3500/429/1
Date: 10 March 1998

Dear Sir

SUFFOLK MINERALS LOCAL PLAN

I am pleased to enclose the report prepared by Mr G Hill following the inquiry into objections to your Authority’s Local Plan. The inquiry opened on 13 May 1997 and closed on 26 September 1997.

On behalf of the Inspector I would like to thank your Authority for its assistance before and during the inquiry. I feel sure that this has helped him minimise the time taken to produce this report which in turn has made an effective contribution towards achieving the Inspectorate’s objective of expediting its part of the overall Plan-preparation process.

Given the very important role of development plans in the planning system, the Inspectorate assigns its more senior and experienced Inspectors to this field of work. The demanding nature of development plan work is widely acknowledged and you will appreciate that the task of conducting the inquiry and preparing this report has required a high level of professional commitment, as well as a considerable degree of stamina, on the part of the Inspector. His objective has been to produce a report which is both comprehensive and concise. I commend it to your Authority.

In principle, once the report has been submitted to you there can be no direct avenue of reference back to the Inspector. However, if there appears to be a crucial lack of clarity in the meaning of any statement, or an omission, which you consider needs to be resolved before publication of the report, I will consult the Inspector and seek amplification of those points. This can then be published as an addendum to the report. Any such reference back should be made to the Inspectorate within 3 months of the date of this letter and it would be clearly be helpful to the Inspector if all the points you require clarified could be included in one letter. No such formal action is necessary in the case of any minor typographical errors which do not alter the meaning of a statement. You may correct these yourself.
I would be grateful if you could notify the Inspectorate beforehand of the date on which the Inspector's report is to be published. I would also welcome, in due course, a list of recommendations made by the Inspector but not accepted by your Committee, together with the reasons for their rejection. This is so that we may appreciate your Council's reactions to the report and its recommendations, as well as monitoring the effectiveness of our own part in the Development Plan process.

Yours faithfully,

C M Pritchard
Development Plans Division
REPORT ON THE OBJECTIONS TO SUFFOLK MINERALS LOCAL PLAN

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Dear Sir,

1. I was appointed by the Secretary of State for the Environment Transport and the Regions to hold a public inquiry into objections made to the deposit draft and proposed changes PDA1-PDA87 to the Suffolk Minerals Local Plan (the Plan). The inquiry opened on 13 May 1997 and ran for a total of 19 days, concluding on 26 September 1997. Before the close of the inquiry I visited the objection sites, mostly on an unaccompanied basis, taking nine days over the period 25 July - 25 September. I attach my report which contains my recommendations on the action the Council should take in respect of all objections, including the counter objections which the Council asked me to consider.

2. The Plan was prepared by Suffolk County Council under Section 37 of the Town and Country Planning Act 1990 (as amended) and covers the period 1994-2006. It was placed on formal deposit for six weeks between 10 May and 21 June 1996. 1329 duly made representations were received by the Council. A further 34 counter objections were made to two blocks of proposed changes (called post-deposit amendments or PDAs by the Council): PDAs 1-58 were published in November 1996, and PDAs 59-87 in March 1997. This made a total of 1363 representations, of which some have been sub-divided by me, to make 1372 representations in all. Of these 1170 were objections, and 177 representations of support. Twenty five representations were classified as ‘general comment’, to which the Council has made no response, and to which I have not been asked to respond.

3. In the light of the Council’s proposed changes 40 representations were conditionally withdrawn, and these are examined in my report. I have not considered the 46 objections which were totally withdrawn. I heard 265 objections and counter objections at the inquiry with the balance, including the conditionally withdrawn objections, considered as written representations. No differentiation is made between objections heard at the inquiry and those dealt with as written representations, either in the weight given to an objection or to the way in which they are reported upon.

4. During the course of the inquiry the Council put forward a further 24 proposed changes, some of which supersede earlier proposed changes. These have not been placed on formal public deposit, but have been available for public inspection as core documents of the inquiry. I deal with these in my report where they impinge upon points which have been the subject of objections. Although I have made recommendations to include these further
proposed changes where appropriate, it must be recognised that the general public has not yet had the opportunity to formally comment on them. In which case, the Council should give particular attention to these points when they are publicised as proposed modifications to the Plan, and carefully consider representations of either support or objection at that stage before adopting the Plan. Where there have been no counter objections to the first two blocks of proposed changes these may be included in the modifications to the Plan without further formal consultation.

5. I held two round table sessions at the beginning of the inquiry. The first largely focused on sand and gravel provision and examined the arguments surrounding the calculations of need, demand, alternative sources of supply and the need for a some form of flexibility. The second looked at the main objections to the background policies to the Plan.

Main points of the Plan

6. The Plan considers the availability and future provision of minerals across the County; predominantly sand and gravel, but it also examines the supply of chalk and clay, which includes minerals needed by the cement industry. The Plan document is organised to set out firstly general policies and principles which will be used by the MPA to control minerals developments across the County. It then goes on to consider the supply of sand and gravel in some detail, having regard to the County’s obligation to meet its share of the regional production, as agreed through the EAAWP. Confirmed and proposed sites are shown on Inset Maps, together with inter alia detailed matters which require particular consideration at each location and an estimate of the potential yield of each site.

7. Objections were raised to the basic principles of the Plan, and whether the need assumptions truly reflected both the present pattern of demand and the principles of sustainable development. It was questioned whether the demand for new land-won aggregates should be reduced by making greater allowance for aggregates from other sources, including sea dredging, recycling and imported material. Objections to specific sites also raised highway, environmental, amenity and ecological objections specific to each site. I have commented upon all of the objections as appropriate, but I have adhered to the interpretation of national and regional demand given in MPG6 and as apportioned through the EAAWP. I consider there is no rational basis to revise the underlying need figures outside the forum of the EAAWP and a review of MPG6. This exercise has now commenced and should lead to revised figures being published in 1999.

8. The sand and gravel companies in particular sought the enlargement of the need calculation by an inclusion of a figure to allow for a degree of flexibility in the event of identified sites not coming forward for development, or production at operating sites being unable to meet the demand of the construction industry locally. Objections were also raised on the grounds that the Plan failed to make any provision for the longer-term needs beyond the end of the plan period (ie a landbank). Representations were made that either further sites should be identified to meet this need or that at least areas of search should be identified to show where future sand and gravel supplies could be obtained from. I have come to the view that the Plan should include identified areas of search, supported by policies to control the release of sites in these areas. The areas of search would serve the dual purpose of providing guidance as to where long-term needs could be met and identifying where
additional sites might be permitted in the event of proposed sites not being developed quickly enough (ie a provision for flexibility).

9. Objections were lodged on the basis that the Plan was not actively promoting sites which would fit into a broader and more integrated pattern of sustainable development. In particular, sites should have been selected on the basis that they would offer a positive after-use. Whilst I acknowledge the ideas being promoted in these objections, I have come to the view that they are not compatible with the system of land use planning currently operating in England and Wales. The objector is promoting what I have called in the report a ‘pro-active’ approach, whereas the MPA can, for the most part, only protect and permit.

10. Proposed sites at Red Lodge (P48), Chilton (P14), Wherstead (P44) and Bucklesham (P86) attracted the largest groups of objections. Although these four sites stimulated the greatest number of objections, these sites cannot be regarded as any more controversial or contentious than any of the others proposed in the Plan. The objections to all sites have been considered on an equal basis and my considerations have not been influenced by the number of representations received to any particular policy or proposal.

11. At the inquiry, the MPA said that it would address the issue of the long-term landbank through the proposed Minerals and Waste Local Plan, the preparation of which is due to follow this local plan. In my view, this avoids the issue. MPG6 places an obligation upon MPAs to demonstrate how the longer-term needs can be met in their minerals local plans; it does not offer the option of deferring this until a subsequent plan. The SMLP should be all-inclusive and address all of the issues which currently face the MPA. If, as a result of a review of the national and regional need calculations it is subsequently found that the SMLP has over-provided, the Minerals and Waste Local Plan will supersede and replace the SMLP and the anticipated production time span for the identified sites can be adjusted accordingly. Minerals will still be needed what ever happens, and reduced projections of levels of demand will only signify that identified sites will last longer or come on stream later; it would not mean that they will not be needed at all.

Structure of my report

12. My report is organised to follow the format of the Suffolk Minerals Local Plan document, set out in chapter order. For each subject I briefly summarise the objector’s case, followed by my considerations and recommendation on the action to be taken by the Council. The Council’s own case has not been summarised as this is set out fully in the documents prepared by the Director of Environment’s staff in response to each objection. These are filed in the Inquiry Library under the objection number, either with yellow cover pages for those objections heard at the inquiry, or with green cover pages for the written representations. For both sets of documents, the reference number includes the objector number, the record number and followed by the Council’s proof number.

13. The report concentrates on objections, including those which were conditionally withdrawn. Representations of support have been listed at the relevant section of the report but they have not been considered as they call for no action from me. For the most part, the representations have been considered as originally numbered, ordered, recorded and classified by the Council. In my report reference is made only to what has been listed as the ‘record’ number, as this is unique for each representation, and avoids quoting lengthy and sub-
categorised numbers. It was necessary to sub-divide some representations because they clearly related to separate topics. Because of the limitations of the database, the sub-divided elements have been given new numbers, in the 2XXX series, beginning at 2001.

14. For the most part, throughout the report abbreviations have been used for the names of various bodies, documents or references. A glossary of the abbreviations used is bound into the report immediately before the consideration of the objections.

15. The appendices at the back of the report include two lists of representations, arranged to be used as an index to locate where an objection is considered in the report. One list is prepared in representation number order and the other in subject order. The lists also indicate whether the representation was an objection, support, withdrawn or conditionally withdrawn. Every effort has been made to ensure that each duly made objection, which was not subsequently unconditionally withdrawn, has been reported upon.

16. Although there are no specific objections to the presentation of the Proposals Map and the Inset Maps, I should comment that I found the numbering and referencing system confusing, with Inset Map numbers, page numbers and site numbers not directly related to each other, and in no apparent rational order either alphabetic or geographic. I am sure it would assist the users of the Plan if a clearer system of referencing sites and Inset Maps were used. I suggest that, in the absence of any more comprehensive revision of the presentation, to follow Table 10 the Plan should include an index of the site reference numbers and names shown together with the Inset Map number and page number. The main Proposals Map could indicate the numbers of the sites which are detailed on the Inset Maps.

17. Since the close of the inquiry the following Circulars have been published: 15/97 The UK National Air Quality Strategy and Local Air Quality Management: Guidance for Local Authorities, 01/98 Submission of Compulsory Purchase Orders and 02/98 Prevention of Dereliction through the Planning System has been published. In their consideration of this report, the Council will need to have regard to these Circulars, in so far as they may be relevant to this Plan. The Council will also need to take account of the content of other Circulars, PPGs or MPGs which may be published prior to the publication of formal modifications to the Plan.

18. Finally I must express my appreciation for the co-operation of all the participants, which ensured the efficient running of the inquiry, and to the Council for providing the venue and facilities to assist me. I would also like to acknowledge the help given to me by Miss Sharon Manley, Planning Assistant in The Planning Inspectorate, in helping to summarise the objections for inclusion this report. My thanks particularly go to the Programme Officer Mrs Ann Pilgrim who has, in the run-up to inquiry, during the inquiry itself and in the period afterwards, patiently and good-humouredly dealt with the public, the Council and me.

Yours faithfully,

Geoffrey Hill
BSc DipTP MRTPI
Inspector
### ABBREVIATIONS USED IN THE REPORT

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BACMI</td>
<td>British Aggregate Construction Materials Industries</td>
</tr>
<tr>
<td>CD</td>
<td>Core Document of the inquiry followed by a number, as listed in Appendix 2 at the end of this report</td>
</tr>
<tr>
<td>DETR</td>
<td>Department of Environment, Transport and the Regions</td>
</tr>
<tr>
<td>DoE</td>
<td>Department of the Environment (now incorporated into DETR)</td>
</tr>
<tr>
<td>DTp</td>
<td>Department of Transport (now incorporated into DETR)</td>
</tr>
<tr>
<td>EAAWP</td>
<td>East Anglia Aggregates Working Party</td>
</tr>
<tr>
<td>GO-ER</td>
<td>Government Office for the Eastern Region</td>
</tr>
<tr>
<td>ha.</td>
<td>Hectare</td>
</tr>
<tr>
<td>HGV</td>
<td>Heavy Goods Vehicle (i.e., more than 7.5 tonnes gross vehicle weight)</td>
</tr>
<tr>
<td>km</td>
<td>kilometre</td>
</tr>
<tr>
<td>m</td>
<td>metre</td>
</tr>
<tr>
<td>MPA</td>
<td>Minerals Planning Authority (i.e., Suffolk County Council)</td>
</tr>
<tr>
<td>MPG</td>
<td>Minerals Planning Guidance - published by DETR</td>
</tr>
<tr>
<td>mt</td>
<td>million tonnes</td>
</tr>
<tr>
<td>PPG</td>
<td>Planning Policy Guidance - published by DETR</td>
</tr>
<tr>
<td>RSPB</td>
<td>Royal Society for the Protection of Birds</td>
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<tr>
<td>SAGA</td>
<td>Sand and Gravel Association</td>
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<tr>
<td>SCC</td>
<td>Suffolk County Council</td>
</tr>
<tr>
<td>SCSP</td>
<td>Suffolk County Structure Plan</td>
</tr>
<tr>
<td>SMLP</td>
<td>Suffolk Minerals Local Plan</td>
</tr>
<tr>
<td>SLA</td>
<td>Special Landscape Area</td>
</tr>
<tr>
<td>SSSI</td>
<td>Site of Special Scientific Interest</td>
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PART 1
PART 1 - POLICIES AND APPENDICES

General preliminary considerations

1.1 Several objections have been lodged by Ightham Sandpits which attack the philosophy or background assumptions of the SMLP. The majority of the points can be examined against specific passages of the Plan but there are a number of general, broader points which should be considered as preliminary matters. A conclusion on these would establish the context for consideration of all the other objections made to the Plan which are based on the basic points made by this objector.

Objection No. 0592 Ightham Sandpits

Summary of objection

1.2 The method adopted by the MPA to identify land for examination conflicts with the Government’s principles for economic development through a deregulated open market that encourages competition. One of the most important principles of a free market is that individuals or companies are not prevented from entering the market to supply goods and services if they identify a business opportunity. Minerals extraction is unlike any other industry in that minerals can only be worked where they are found and also that the working and winning of minerals requires planning permission as being development within the meaning of the Act. The MPA should have adopted a method of identifying land for development that did not interfere with and inhibit competition between users and investors in land and so conflict with the Government’s principles for economic development.

Inspector’s considerations and conclusions

1.3 The planning system is, by its very nature, interventionist. Government policy fosters competition in the free market, but that market is not entirely unconstrained by other considerations. The planning system has evolved to protect interests other than those of the minerals industry. In which case, there will inevitably be a conflict between entrepreneurial aspirations to exploit mineral reserves and the concerns of others who place higher priority on environmental, ecological and amenity interests. National planning policies, interpreted locally through structure and local plans, have evolved over the post-war years to reconcile these interests.

1.4 The objector may consider the balance is unduly weighed against their interests. However, I accept that, in broad terms, the Plan has been prepared in conformity with current national planning guidance to minerals planning authorities, as embodied in the MPGs. One of the purposes of the development plan system is to offer certainty to all who are affected by it. The MPGs include guidance on a rational approach to site identification and selection, involving consultation with the public, amenity and interest groups and the
industry. I have no reason to believe that consultation during the preparation of SMLP precluded representations from companies not currently active in the County. If those other companies have information on feasible resources of minerals this could have been made available to the MPA for them to evaluate during the site selection process.

1.5 Once sites have been identified, selected and endorsed through the development plan system, it would be contrary to the purpose of the development plan system if uncertainty existed over where mineral working could take place and to what general level of production. A degree of flexibility is offered by paragraph 62 of MPG1, which accepts that sites may be brought into development which have not been identified in the Plan, subject to the development control policies in the Plan, but the MPG also makes the point that such instances should be rare. Policy SMLP7 is not wholly exclusive, and offers a degree of flexibility for other sites to come forward during the plan period, subject to the criteria laid down in that policy and the other policies of the Plan.

1.6 I do not consider that, in general terms, the MPA’s approach to preparing the SMLP is contrary to Government advice.

RECOMMENDATION

1.7 No modifications be made to the SMLP in response to this objection.

Objection No. 0593 Ightham Sandpits

Summary of objection

1.8 The Plan should promote sustainable development. The Plan makes the false assumption that minerals extraction causes environmental damage. The Plan promotes the idea that areas of designated value must be protected from minerals extraction. In the Environmental Statement that accompanies the Plan, it appears that all sites that are affected by environmental constraints have been rejected from inclusion in the Plan. If all areas affected by environmental constraints are protected from minerals extraction there will come a time when there are no areas of land that contain minerals which are not constrained by environmental concerns. The planning authority will then have to either prevent further minerals extraction in the County or have to relax the present constraints and "damage" areas that are presently valued for their environmental qualities. Further, mineral extraction does not cause environmental damage, it causes environmental change. Change can be detrimental but it can also be beneficial.

Inspector’s considerations and conclusions

1.9 Many of the objections lodged against individual policies or passages of the SMLP by Ightham Sandpits argue that the Plan’s policies conflict with the Government’s policies on sustainable development. The view underlying these objections is that, whilst the MPA has said the Plan is based on the principle of sustainability, the objector thinks its policies do not properly carry that principle through. The objector argues that the attitude adopted
by the MPA seems to be principally one of restricting and confining new development, with a view to preserving the status quo for as long as possible. The approach is seen to be one where environmental interests are categorised in a hierarchy which indicates degrees of perceived sensitivity, which is carried through into a hierarchy of levels of protection. The areas thought to be most sensitive are given the greatest protection.

1.10 However, the objector argues that this is not in accordance with the policy of sustainable development. It is seen as a sterile approach, which will ultimately result in greater difficulties in meeting needs in future years. Over time, development pressure will gradually work its way up the hierarchy, taking the sites with the lowest level of protection first, eventually arriving at the situation where only highly protected areas are left. This is not a sustainable approach as it would create difficulties for succeeding generations. Rather than handing over an integrated and properly managed strategy of change and evolution, we would only be handed on even greater environmental management problems to future generations. The objector argues that sustainability should take the longer-term view. If properly guided, development should be a positive force for change, creating new environments which can be as good as those which exist or, because they are specifically designed as such, may even be better.

1.11 ‘Sustainable development’ seems to be a term which is capable of a range of interpretation and understanding, probably as wide as the range of persons or groups who are promoting their own interests under this imprecise, but generally laudable heading. In my view, the objector puts forward an interesting line of debate, and not without its merits. I agree that the principle of sustainability cannot rely solely on preserving that which exists; it also requires a pro-active element for guiding development towards a preferred future position. Indeed, this is one of the four principles of the sustainable development strategy given in paragraph 5 of PPG1 General Policies and Principles (CD.A1).

1.12 It is the duty of the MPA to prepare the SMLP in accordance with the Government’s policy. Paragraph 35 of MPG1 (CD.A11) and paragraph 11 of MPG6 (CD.A15) gives the Government’s advice on how to interpret the strategy of sustainable development in relation to minerals development. MPG1 includes six broad objectives, all of which are essentially protectionist or preservationist. None of these could be characterised as being pro-active, in the way the objector argues. I am satisfied that the MPA has employed the definition of sustainable development adopted by the Government.

1.13 The Government’s strategy includes the policy of conserving both the heritage of historic buildings, parkland and gardens as well as natural resources. Whilst a pro-active policy could be part of the overall sustainable development strategy, so too is there a need for policies which protect what is seen to be of value at the moment. The MPA’s approach could be characterised as passive, making provision for an anticipated level of demand within a framework of environmental protection policies designed to limit the extent and severity of any harm to the environment, amenity and ecological interests. Within these constraints the industry is left generally free to extract minerals. However, this is not contrary to Government policy. The Plan seeks to protect what is perceived to the best of what we have at the moment, and the objector does not bring forward evidence to show that society’s values will change so dramatically in the future that we would no longer wish to protect those areas in the future.

1.14 As part of a pro-active strategy it may indeed be possible to develop a more sophisticated mechanism for environmental valuation, which could influence the price of
primary and secondary materials. This may, in turn, influence both the production levels of primary materials and the will to develop sites with a positive and environmentally sustainable end use in mind. That is, using environmental policies to affect the economics of the minerals supply industry. Arguably, this might be a better approach, but I do not consider the approach used by the MPA in this Plan is fundamentally wrong or contrary to national planning guidance.

1.15 PPG1 (CD.A1) advises there are four themes to the Government’s sustainability strategy but, in my view, each of these does not have to be present in every planning policy document. It is also in accordance with the Government’s strategy to pursue protectionist policies. Consequently I do not agree with the objector’s argument that, in failing to pursue a more pro-active approach, the SMLP is contrary to the Government’s strategy on sustainability. Neither do I consider the MPA’s approach is flawed or inadequate. The SMLP’s protectionist approach does not preclude a pro-active view being taken by either a prospective developer in putting forward a proposal for a new minerals site, or by the MPA in discussions with developers.

1.16 Therefore, whilst I recognise that a minerals local plan can be the opportunity to positively guide and even promote new development towards sustainable objectives, this is not its only role, and I do not propose to make a general recommendation that the Plan be re-drafted along pro-active lines. The point is made repetitively by the objector in relation to numerous policies, but I will not repeat my views every time. Where the matter is raised by the objector I will rely upon this general discussion on the topic and, where appropriate, come to a simple conclusion that the particular policy is not contrary to the Government’s strategy on sustainable development.

RECOMMENDATION

1.17 No modifications be made to the SMLP in response to this objection.

**Integrity of the Plan**

Objection No. 0594 Ightham Sandpits

Summary of objection

1.18 The planning system should be efficient, effective and simple in operation. It should provide the basis for rational and consistent decisions on planning applications and thereby give a measure of certainty about what types of development will not be permitted. In order to provide such certainty it seems reasonable to require that the development plan has a high degree of integrity and internal logic. The Plan relies for its integrity on the fact that the MPA examined all 185 sites put forward for consideration at the same time. As long as the Plan is followed entirely with no alterations the Plan has integrity. If any identified site in the Proposals Map is not developed, the rational basis for the Plan is severely disrupted. There is no guarantee that development will occur - indeed, it is quite likely that during the fifteen years of the plan period changes in the circumstances relating to some sites in the County may prevent land from being developed in accordance with this Plan. Because of
the lack of explanation of how this Plan seeks to identify sites or the methods that would be applied to identify alternative sites, this Plan lacks all coherent logic and integrity.

Inspector's considerations and conclusions

1.19 As discussed above (1.13), I see the MPA's approach to preparation of the Plan as hierarchical and passive. If the criteria used to select and evaluate the sites are soundly based, it should give a progressive and fairly consistent methodology for identifying preferred and protected areas across the County. The objector seems to accept that this is so.

1.20 The objector's point seems to be that the Plan also relies to some degree on all factors coming into play as predicted; that is, that all identified sites will be developed over the timescale envisaged and that no other changes will arise to upset the differentials between the environmental, ecological and amenity values which lie behind the criteria based policies. In the purest terms this is probably so. However, I do not consider the approach used by the MPA is so delicately balanced that some unforeseen changes in the pattern of development would undermine the credibility of the Plan to such a degree that it becomes invalid. The Plan must be able to operate within a range of generally agreed parameters, within which there will be fluctuation which could be seen by some as inconsistencies.

1.21 I accept the Plan is based on the best information available at the time it was placed on deposit and that the certainty offered by its policies and proposals would outweigh any potential inconsistencies or reappraisal in value judgements which might emerge during the currency of the Plan. It would be unrealistic and unhelpful to expect the Plan to be reassessed and revised every time an unexpected event occurred. The public inquiry stage of the development plan process is available to identify and test any likely difficulties which could be foreseen at this stage and to bring the internal logic of the Plan into line as far as is reasonably possible. This would be backed up by the safeguard of criteria based policies to offer consistent guidance to deal with eventualities which may be unforeseen at the moment. Monitoring of the Plan will feed into its review and this should highlight if early and urgent changes to its policies and proposals would be needed to address significantly widening disparities from its basic assumptions.

RECOMMENDATION

1.22 No modifications be made to the SMLP in response to this objection.
CHAPTER 1. INTRODUCTION

1.23 Whilst not the subject of any objections, I must comment that there is an error in paragraph 1.1.3 and Table 1. The SMLP here refers to development plans (ie the plural) in Suffolk. Section 54 of the Town and Country Planning Act 1990 (as amended by Paragraph 29(1) of Schedule 4 to the Planning and Compensation Act 1991) states that there is only one development plan for an area, albeit made up of several documents. I consider these references in the SMLP to the development plan should be corrected. I also consider that Table 1 should not be selective in the plans it lists; all adopted local plans which comprise the development plan should be listed.

RECOMMENDATIONS

1.24 i. Paragraph 1.1.3 be deleted and replaced by:

1.1.3 In Suffolk the development plan comprises the Suffolk County Structure Plan, together with the local plans prepared by the district planning authorities and any subject plans, including the Suffolk Minerals Local Plan (SMLP). Table 1 sets out the range and scope of planning policy documents which have either already been prepared or are in preparation, and which will make up the development plan in Suffolk.

ii. The heading of Table 1 be deleted and replaced by:

Planning policy documents which make up the development plan in Suffolk.

iii. Table 1 should list all adopted local plans operative in the County.

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Paragraphs 1.2-1.5 Sustainable development, strategy aims and objectives

Objection No. 1023 Mid Suffolk Friends of the Earth

Support Nos. 1150 Suffolk Preservation Society; 1211 Environment Agency

Summary of objection

1.25 The concept of sustainable development has not been effectively embraced by the Plan’s policies. The Plan should encourage much greater use of alternatives to extraction by tighter restraint on new extraction sites, thereby forcing up prices to a level which reflects the true environmental costs. The Plan makes little attempt to restrain demand for aggregates, which appears to be primarily an extrapolation of past excesses. New permissions should not be granted unless it can be demonstrated the need cannot be met from alternative, renewable, recycled or secondary sources [1023].
Inspector's considerations and conclusions

1.26 The Plan has been prepared within the context of current national planning guidance, as embodied in RPG6 Regional Planning Guidance for East Anglia (CD.A10), the MPGs, with MPG1 and MPG6 being most relevant, and the regional interpretation of that guidance, derived from the discussions of EAAWP. In broad terms I consider the Plan conforms with current national advice and guidance, used and understood by the industry, planning authorities, environmental agencies and interest groups.

1.27 The objector would like SMLP to adopt a stricter approach to the use of non-renewable resources. Whereas the rationale for this is understandable, I consider it would be unrealistic for SMLP to adopt such an approach unilaterally. Minerals are produced and sold in a free market. Policies to restrict production and influence prices within Suffolk alone may not achieve the sustainability sought by the objector. Consumers may shift their demand to other sources, but this may not be into alternative or secondary aggregates; it is just as likely that material may be purchased from adjoining counties where such restrictions do not apply, and hauled in over longer distances. This would not address the objector's desire to limit extraction from primary sources overall, and it would also lead to increased energy consumption in transporting the minerals over longer distances.

1.28 Although I understand and may have some sympathy for the objector's approach, I consider this cannot be successfully carried out by Suffolk working independently. In my view, the objective sought by the objector can only be achieved, at the very least, in a national context.

Other matters

1.29 It has not been the subject of a formal objection, but paragraph 1.4.1 refers to the National Rivers Authority. Under the provisions of the Environment Act 1995, the Environment Agency (EA) assumed the functions of the NRA on 1 April 1996. I consider this, and another references to the National Rivers Authority should be corrected to refer to the Environment Agency.

RECOMMENDATIONS

1.30 i. No modifications be made to the SMLP in response to this objection.

ii. The reference in paragraph 1.4.1 to the National Rivers Authority be deleted and replaced by a reference to the Environment Agency.

<table>
<thead>
<tr>
<th>Table 4: SMLP Strategy, aims and objectives</th>
</tr>
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<tbody>
<tr>
<td>Objections Nos.</td>
</tr>
<tr>
<td>0595 Ightham Sandpits; 1042 ARC Central; 1182 RSPB</td>
</tr>
<tr>
<td>Support Nos.</td>
</tr>
<tr>
<td>0441 English Nature; 1036 MAFF; 1041 Tip Top Waste Ltd; 1209 Environment Agency</td>
</tr>
</tbody>
</table>
Summary of objections

1.31  i. Points raised under objection 0595:

a) Table 2a, points 1-5. This strategy only attempts to protect existing resources. There is no attempt to enhance and promote landscape, ecology, water resources, heritage and open spaces. This strategy therefore fails the test of longer term sustainable development. From this strategy all policies are derived, therefore all policies are flawed. The table should be revised to reflect a plan making method which promotes and enhances valued resources.

b) Table 2b, point 8. This strategy should be part of the environmental enhancement section. Suggested alteration, reappraisal of the plan making method to promote and enhance valued resources.

c) Table 2c, points 10 and 11. The encouragement of the use of alternative sources of supply from primary land won sources is the proper function of the market as part of the Government's overall economic agenda. The planning system has a part to play in this by ensuring sensitive operating practices which will have an effect on the product price delivered to the market. The table should be revised to reflect a plan making method which conforms to the Government's economic development programme through a deregulated and free enterprise market economy.

d) Table 2c, point 12. This conflicts with the entire principle of economic development through a deregulated and free enterprise market. This strategy does nothing to reduce the quantities of minerals exploited in the County, it only seeks to confer monopoly profits to existing operators and suppliers to the market economy. The table should be revised to reflect a plan making method which conforms to the Government's economic development programme through a deregulated and free enterprise market economy.

ii. The objectives specified under part 2a appear to be absolute. Whereas these objectives are further defined within the policy section of the Plan, as set out under this section the lack of definition of the individual terms used means that the aims are all encompassing and vague. As presented, they cannot be regarded as practical objectives [1042].

iii. Table 2a, item 2. The words 'and enhancement' be included after 'protection' in this aim. Nature conservation after-uses to mineral workings provide a major opportunity to increase and enhance the wildlife resource in the County [1182].

Inspector's considerations and conclusions

1.32  Dealing with point i. a), as discussed above (paragraph 1.11), I accept there are many possible definitions of 'sustainable development, each of which will look to its own aims and objectives. Whereas Ightham Sandpits would prefer to see a more pro-active or integrated philosophy guiding the Plan, I do not consider that, given the requirement to work within national planning policies and guidance, the approach adopted by the Council is wrong or fundamentally inadequate. The Government's view of sustainability in mineral working is set out in the MPGs. Table 2 incorporates these objectives, albeit in a different order and with some additional points listed. Contrary to the objector's assertion, these do include the aims of environmental enhancement. Because I do not consider the basic approach used by the MPA is flawed, I do not consider the aims listed in Table 2 need to be revised.
1.33 MPG6 (CD.A15) advises minerals planning authorities to include policies in minerals local plans to promote the matters listed in Table 2(c) as points 10 and 11. In doing so, this does not cut across the general principle that the market is expected to operate freely, as far as it is able to within the constraints of the planning system. Planning policies structured along these lines may begin to have a bearing upon the market price of minerals and thereby influence the free market conditions. The aims listed are compatible with Government policy and are also consistent with a strategy of sustainable development. Similarly, aim 2(c) 12 is consistent with the advice at paragraphs 45 and 46 of MPG1 (CD.A11), which is Government policy. Consequently I do not accept that the MPA is acting contrary to Government policy by adopting this as an aim of the Plan. Indeed, the MPA could have been acting irresponsibly if it failed to follow the guidance in the MPG.

1.34 It is a generally accepted principle that the development plan should be read as a whole. In my view, the aims listed in Table 2 are a statement of the broad principles to be followed, but they are not precise objectives nor are they policy in themselves. What is important is how these aims are carried through into the phrasing and subsequent application of policy. Paragraph 1.5.4 of SMLP states that the aims are pursued via the policies of the Plan, which is acknowledged by ARC Central. Accordingly, I consider it unnecessary and inappropriate to give detailed or practical objectives in this section of the Plan.

1.35 The general heading to Table 2(b) refers to environmental enhancement, and therefore no revision is necessary to meet point b) made by Ightham Sandpits. In answer to the point raised by RSPB the MPA say that the Plan will also look for enhancement of the ecological value of an area following extraction, and that this is covered by aim 2(b) 8. I agree with the MPA that this would be a more appropriate section than 2(a), 2. The general heading for 2(b) includes the word ‘environment’, which could reasonably be taken to encompass ecological interests as well. It is not the role of the SMLP to actively promote the enhancement of areas of ecological interest, but it does assume that sites will be restored to a condition capable of supporting nature conservation interests (Policy SMLP4(k)). In my view, to include ecological enhancement as an aim of the Plan would give an undue and misleading emphasis to this point.

**RECOMMENDATION**

1.36 No modifications be made to the SMLP in response to these objections.

| Objection Nos. | 1043 ARC Central; 1166 The Oil and Pipelines Agency |
| Counter objection No. | 3015 D K Symes Associates |
| Support Nos. | 0442 English Nature; 1037 MAFF; 1183 RSPB; 1210 Environment Agency |
Summary of objections

1.37 i. The inclusion of targets within the Plan against which performance can be measured is welcomed, but there is insufficient detailed definition. It is difficult to see how the protection of a previously undefined item can be measured. Accordingly the very welcome principle of setting targets is immediately undermined. The terms in this and other specified targets should be better defined to provide something against which measurement can be established. [1043].

ii. The County is crossed with pipelines and also contains above ground installations and other ancillary apparatus. The Plan must ensure the protection of such pipelines, installations and other apparatus. Specifically, access for maintenance must be afforded at all times, without any obstruction and no works whatsoever, including landscaping, tipping or lowering or raising of ground levels shall take place within a distance of 10 feet on either side of pipeline without the prior consent of the Secretary of State. An additional objective should be included to this effect [1166].

iii. Whilst it is recognised that it is a matter that can be reasonably identified under Policy SMLP2, it would be helpful to make clear that the policy and other amendments within the Plan (PDA35) are not designed to affect statutory compensation rights, nor to provide additional protection beyond that which is covered by separate legislation [3015].

Inspector’s consideration and conclusions

1.38 The MPA propose to change the Plan (PDA91) to explain what indicators will be taken into consideration in assessing whether the targets set out in Table 3 have been achieved. The revisions have not been formally advertised, but they have been publicised as part of one of the core documents (CD.B28). I consider that, by cross referring to the Scoping Matrix in Appendix 1 of the Plan, the proposed change clarifies the context for the targets given in Table 3 by referring to specific policies of the Plan which are relevant to each target. ARC Central have not commented on the proposed change, but I consider that it would meet the criticisms raised by the objector.

1.39 The MPA has acknowledged the point raised by The Oil and Pipelines Agency, and have put forward a proposed change (PDA35 - CD.B27) which includes the avoidance of disruption to services as a target. The proposed change has been formally advertised and, apart from the comment made by D K Symes Associates (see 1.40 below) it has not attracted adverse comment. The change introduced to the Table is not cross referenced to the Scoping Matrix, but Policy SMLP2(i), as proposed to be changed by PDA13 (CD.B5), is relevant. This may not go as far as the objector wishes in that it does not include specific details of the protection measures which may be necessary. However, paragraph 2.23.1, subsequently augmented by proposed change PDA70 (CD.B28), indicates that where services may be affected by proposed minerals workings, the MPA will consult the relevant agency. I consider the proposed change to Table 3 offers sufficient safeguards for the interests of the objector, but the text of PDA91 should be revised to acknowledge that not all the matters listed in Table 3 are detailed in the Scoping Matrix.

1.40 I consider proposed change PDA70 also addresses the concern raised by D K Symes Associates over proposed change PDA35, and no further revisions to the Plan are necessary to meet this point.
RECOMMENDATIONS

1.41  
i. The SMLP be modified by the deletion of paragraphs 1.6.1 and 1.6.2, and their replacement by:

1.6.1  Table 3 lists the SMLP targets. Targets relate to policies via the objectives listed in Table 3 (and defined in Table 2) which in turn are mostly developed within the Scoping Matrix in Appendix 1. For example, target ii) "no loss of significant elements of local landscape value" is listed under objective 1) "the protection of landscape quality". Within the Scoping Matrix, under objective 1) is listed "landscape features" which is then related to Policy SMLP1(b).

1.6.2  A report entitled Suffolk Environment ...towards sustainable development, published on 14 March 1997, identifies over 130 indicators, some of which will provide the basis for monitoring the effect of policies in achieving the targets set out in the Plan. For example, indicator "L7" will record the number of applications outside designated landscape areas where loss of landscape features are cited as a reason for refusal and will be used to monitor the effect of Policy SMLP1(b).

1.6.3  Monitoring indicators will largely be accomplished by the gathering of information from the MPA's development control officers. Approximately 50% of indicators will be monitored on an annual basis, the rest every 5 years. The first update of indicators is programmed for 1999.

ii. Table 3 be modified by the inclusion of proposed change PDA35, as set out in the schedule of post deposit amendments CD.B5

Section 1.7 Public participation in the preparation of the Suffolk Minerals Local Plan

Objection No. 0596 Ightham Sandpits

Summary of objection

1.42  This section does not detail the methods used by the planning authority to identify land to be examined for inclusion in the Plan which are considered to be deficient. The Plan should include a new paragraph detailing how the planning authority identified land for examination to be included in the Plan.

Inspector's considerations and conclusions

1.43  This section of the Plan does little more than outline the stages leading up to adoption of a local plan through the statutory development plan process. It is not seen as a resume
of the step-by-step methodology used by the MPA to assemble and analyse information on prospective minerals sites, leading to their eventual selection and inclusion in the Plan.

1.44 The purpose behind the objector's suggested additional text is not entirely clear, but there appears to be at least an implied criticism of the approach taken by the MPA in drawing up the list of preferred sites. From the information available to me, I do not consider the MPA acted improperly in they way it has prepared the draft document, and I do not consider it has deliberately tried to exclude other landowners or operators not currently involved in the minerals industry in the County. I have no reason to believe that the site selection process has not been carried out in accordance with current professional practices. Whereas Policy SMLP7 gives the certainty looked for in development policies, it is not so restrictive as to entirely preclude the grant of planning permission on sites not specifically identified in the Plan.

Other matters

1.45 Whilst not the subject of an objection, paragraph 1.7.3 erroneously refers to modifications being made to the SMLP as part of the deposit draft stage. In the formal procedures of local plan preparation, modifications are only made after the deposit stage, usually after receipt of the Inspector's report on the objections made to deposit draft document, and prior to formal adoption (as outlined in paragraph 1.7.7). It would be correct to refer to changes at that stage as revisions or amendments. I consider the paragraph should be corrected to avoid any possible confusion.

RECOMMENDATIONS

1.46 i. No modifications be made to the SMLP in response to this objection.

   ii. The word 'modifications' be deleted from paragraph 1.7.3, and replaced by 'revisions'.

Paragraph 1.4.12

Objection No. 0407 Finch & Ollett Aggregates Ltd

Summary of objection

1.47 The MPA has chosen to ignore currently dormant sites which have the benefit of old minerals permissions "unless an intention to work the site was made clear to the MPA". There is no provision in the Environment Act 1995 for such dormant permissions to lapse. They remain extant on an ongoing basis subject only to the requirement to submit proposed new planning conditions for the MPA's deliberation. It is irrational for the MPA to ignore the existence of the sites where planning permission for mineral extraction is extant, and where the owner/operator can unilaterally revoke the planning permission at any time of his choosing. Such sites are clearly a potentially important material factor in the provision of land for mineral extraction in the County, and should be identified and included as current permitted sites in the Inset Map section of the SMLP.
Inspector’s considerations and conclusions

1.48 The purpose of the development plan system is to offer certainty to the public and to those with an interest in land over the policies and intentions of the MPA within their area over a given period. In the SMLP this includes an indication of how much of each particular mineral is likely to be needed over the plan period, where this may be worked and how the development is to be controlled.

1.49 Whereas a sand and gravel site with an old minerals working permission may be reactivated, subject to review of the conditions attaching to it, it is unreasonable for the MPA to assume dormant sites (as included on the "First" List prepared under Schedule 13 of the Environment Act) will make a contribution to meeting the County’s share of the regional allocation if there is no indication of the likelihood that working the site will resume during the plan period. This would not offer the certainty looked for by the consumers of minerals that there will be an adequate and reliable source of minerals during the plan period.

1.50 However, it is also unhelpful to members of the public if they are unaware that there are sites which may be reactivated, and they need assurance that their interests would be safeguarded in the event of such sites recommencing production. I consider the Plan should list the sites with old mineral working permissions which are known to be dormant, but they should not be taken into account in the assessment of overall production capacity available in the County during the plan period. The Plan should also include a statement to indicate the MPA’s policy on reviewing the planning conditions at such sites should the owners seek to reopen them.

1.51 I do not consider the list needs to include all the information which is given for active and proposed sites in the Plan, although a general indication of the location, extent and planning status of the site would be useful.

1.52 If a dormant sand and gravel site is reactivated during the plan period, its production will, of course, contribute to the County’s regional apportionment, and will be taken into account in the monitoring returns. The results of the monitoring returns will, in turn, have a bearing upon consideration of whether and how to review the SMLP.

RECOMMENDATION

1.53 The SMLP be modified by the inclusion of an appendix which lists dormant sites with old mineral working permissions, as defined on the "First" List of dormant sites prepared in accordance with Schedule 13 of the Environment Act 1995, together with an indication of the policies which the Minerals Planning Authority would apply when considering a review of the planning conditions should the site be reactivated during the plan period.

CHAPTER 2. GENERAL POLICIES

Preliminary comment

1.54 This part of the Plan comprises five policies, each of them criteria-based. In my reporting and consideration of the objections I do not differentiate between the main heading
of the policy and its criteria; that is, I refer to the criteria also as 'policy'. This is consistent with the way the criteria have been referred to in the Plan itself, as well as being the terminology used by the objectors and the MPA in their responses to the objections.

SMLP1: Environmental Protection (general statement)

Objection Nos. 0385 Finch & Ollett Aggregates Ltd; 0542 ¹ SAGA; 0567 ² Brett Gravel Ltd; 1044 ARC Central

Support No. 1098 Suffolk Preservation Society

Summary of objections

1.55 i. The use of the word 'only' in the first sentence, is negative and final, and does not allow for proposals to be considered relevant on their own merits. The word should be deleted from the policy [0385].

ii. It is a requirement of the SMLP to provide a "framework for sound effective development control, within which the market can bring about appropriate development" (MPG6, para 53). The SMLP should not cross reference to Suffolk County Structure Plan policies, as all guidance should be contained within the SMLP. Accordingly, policies SMLP1 a) and c) should provide detailed guidance to operators on the criteria whereby minerals development would be acceptable, taking into consideration the need for the material, potential landscape and nature conservation impacts and any proposed mitigation measures [0542, 0567].

iii. There should be consistency between the SMLP policies and the Suffolk County Structure Plan. The policy should be re-written to read: 'when considering planning applications for mineral working and associated development the County Council will not normally grant permission unless...' [1044].

Inspector's considerations and conclusions

1.56 In their response to Finch & Ollett Aggregates Ltd the MPA state that SMLP1 is intended to be a restrictive policy, but go on to say that this would not rule out exceptions where they are justified. Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, to include restrictive wording which does not truly convey the policy of the MPA is misleading. To omit the word 'only' would not weaken the policy as it is a clear list of criteria which need to be met before planning permission will be granted; if the criteria are not met then permission should be refused unless material considerations warrant an exception to the policy.

¹ This objection has been subdivided as 2004 to address objections to SMLP1(a) and 2005 to address SMLP1(c)

² This objection has been subdivided as 2006 to address objections to SMLP1(a) and 2007 to address SMLP1(c)
1.57 I agree with ARC Central that, where possible, there should be consistency between the development plan policies. With the introduction of Section 54A, application and interpretation of development control policies should be clear. The word ‘normally’ implies that there are other, unspecified, circumstances where planning permission may be granted and still be in accordance with the policy. This would be misleading and not convey the confidence expected of the development plan system. If material considerations justify granting planning permission contrary to the policy Section 54A makes provision for this. By definition, exceptional circumstances, whatever they may be, cannot be framed as part of the policy. Therefore, the Plan should not be revised to incorporate the wording suggested by the objector.

1.58 Whereas both the SCSP and the SMLP will be part of the development plan, it is not helpful to seek to combine or intermingle the two documents within each other’s policies. The local plan’s policies should be clear and self-contained. If it refers directly to policies of another plan there is the possibility that the SMLP policy would become outdated or irrelevant should the other policy be revised or reviewed. Therefore I agree with SAGA and Brett Gravel Ltd that the criteria listed in the policy should not include a direct reference to policies of another development plan document. However, the reasoned justification for the policy should indicate where in the development plan the relevant landscape protection policies are to be found.

RECOMMENDATIONS

1.59 Policy SMLP1 be modified by:

i. omitting the word ‘only’ from the preliminary statement,

ii. omitting direct references in the policy to policies of the Suffolk County Structure Plan.

SMLP1(a) Protection of Designated Landscapes

Objection Nos. 0170 Waveney District Council; 0386 Finch & Ollett Aggregates Ltd; 2004 SAGA; 2006 Brett Gravel Ltd; 0597 Ightham Sandpits; 1070 Atlas Aggregates Ltd; 1164 Ingham Parish Council

Support No. 1099 Suffolk Preservation Society

Summary of objections

1.60 i. Proposals in the AONB should follow a sequential test. Before sites in the SLA are considered the County Council should demonstrate that they have considered alternative locations. For sites in the AONB, the Local Plan should set out development principles detailing how they will deal with issues of acknowledged importance [0170].
ii. The SMLP should not cross-reference to the Suffolk County Structure Plan as this is contrary to national planning guidance in particular, the requirement for a developer to demonstrate ‘need’ [0386].

iii. Reference to Structure Plan policies MP9 and MP10 should be deleted [2004, 2006].

iv. Paragraph 2.2.1 should be deleted as it indicates a blanket embargo for areas covered by landscape protection policies and is contrary to national planning guidance. Policy (a) should be amended to read ‘The Proposals are not detrimental to nationally designated areas of importance…..’ [0386].

v. There is no indication of what is considered to be detrimental to designated areas of landscape in the long term. This policy conflicts with the principles of sustainable development. The policy should be deleted and replaced with a new policy to examine how minerals extraction should be located to promote environmental benefit [0597].

vi. Structure Plan Policy MP10 allows for workings in Special Landscape Areas where the landscape ‘will not be permanently and adversely affected’. The draft policy should be more specific in order to satisfy paragraph 2.1.2 and be consistent with MP10 [1070].

vii. Areas for excavation have been included within the Plan which are totally inappropriate locations, such as AONBs and Special Landscape Areas [1164].

Inspector’s considerations and conclusions

1.61 Ightham Sandpits object on the basis that the policy only looks for short-term protection, rather than facilitating change which may have longer-term environmental benefits. In my view, policies which relate to sustainability can employ both short-term and protectionist criteria, as well as promoting a long-term strategy for positively managing change. This is referred to at paragraph 3.25 of PPG7 (CD.A2). However, it is not the role of the MPA to actively promote new mineral schemes. I have examined the objector’s general objection relating to sustainability and have concluded that the MPA’s approach is not contrary to Government advice. Even if a pro-active policy were included in the Plan I consider it would still be necessary to include protectionist policies such as this.

1.62 The policy promoted by the MPA seeks to protect areas of designated landscape value. However, this does not constitute an absolute ban. The approach, as explained in the reasoned justification to policy (a), is consistent with the SCSP policies. Waveney District Council argue that landscape protection should be considered as part of a sequential analysis, and that sites in protected areas should only be developed if none exist in areas not protected by such policies. In my view, this implies that protected areas should be given a higher status than all other considerations.

1.63 Landscape protection is an important consideration, but it is only one of many factors which have to be assessed in coming to the decision whether a site should be granted planning permission. To exclude a site solely because it was in a landscape protection area would impose a very stringent control, particularly when seen in the context of the fact that minerals can only be worked where they occur in nature and that the principles of
sustainability argue for the minimisation of energy for transport. It may not be a properly balanced decision which rejects on landscape grounds alone an otherwise viable deposit which is close to likely consumers.

1.64 Whereas national and local landscape designation policies indicate that special care should be given to such areas, it is the Government’s policy that the countryside should be safeguarded for its own sake (paragraph 2.14 of PPG7), which suggests that all countryside should be protected irrespective of any particular designations. Yet for the reasons given at 3.25 of PPG7, I consider that protection of designated landscape areas cannot be given absolute primacy over other environmental considerations, subject to the provisos also given in the same paragraph. Having said that, Government advice in MPG6 is that mineral development should only take place in National Parks and AONBs where inter alia there is a national need which cannot be met from alternative supplies and if an extension to an existing quarry would achieve an enhancement to the local landscape. This is reflected in SCSP Policy MP9.

1.65 Both policy (a) and, by association, the structure plan policies would allow working in areas of protected landscape but only where proper justification for the development is made out which, amongst other matters, should include an examination of the need in terms of meeting regional requirements and the availability of alternative sources. This would be consistent with the advice at paragraph 4.9 of PPG7 (CD.A2) which discusses minerals extraction in AONBs. Structure Plan Policy MP10 offers a similar, albeit less stringent, approach in areas covered by local landscape designations. This is, in effect, a form of the sequential testing looked for by Waveney District Council.

1.66 I do not accept the view of Finch & Ollett Aggregates Ltd that the Structure Plan policies represent an embargo on mineral working in designated landscape areas, but they set out the criteria which have to be satisfied if working is to be permitted. Accordingly, I do not accept the point made by Ingham Parish Council that it is totally inappropriate for the SMLP to identify sites for new mineral development which are in an AONB or SLA. Subject to the decision being based upon a balanced consideration of all relevant matters, working in such areas should be acceptable providing that the criteria aimed at protecting their special qualities can be satisfied.

1.67 The development plan also includes the relevant district local plans and where these include landscape protection policies, these too should be taken into consideration by the minerals planning authority when determining an application for mineral working. Policy SMLP1 policy (b) seeks to safeguard the particular qualities of the local landscape which led to its designation. This may not go far enough to satisfy the concerns of Waveney District Council, but I consider it represents a reasonable balance between protecting the appearance of the landscape and ensuring that mineral extraction is not unreasonably constrained.

1.68 As discussed above (1.58), I consider that the policies of SMLP should be self-contained to the degree that they should not include direct references to other development plan policies. Therefore, I agree with the points made by SAGA and Brett Gravel Ltd, that the policy should be reworded to omit such references. Having said that, whilst landscape protection is a relevant concern of the SMLP, the SMLP does not define the areas of protected landscape; these are set out in the structure plan and the relevant district local plans. Therefore, it would be inappropriate for the SMLP to establish its own policies and criteria for protection of these areas. In this context the SCSP is still a relevant consideration.
as it is part of the development plan, and I consider it is necessary to refer to this, and the district local plans in the reasoned justification.

1.69 I do not consider the SMLP should repeat the landscape protection policies or their criteria as this would be needless duplication and, unless it was a comprehensive list, would not reflect particular local concerns. Furthermore, it might result in the SMLP being in conflict with other parts of the development plan when the structure and local plans are revised. This does not entirely meet the objection lodged by Atlas Aggregates Ltd but, by removing the direct reference to the Structure Plan policy, the concerns of this objector would be met at least in part.

RECOMMENDATIONS

1.70 The SMLP be modified as detailed below:

i. Policy SMLP1(a) be deleted and replaced by:

(a) **THE PROPOSALS ARE NOT CONSIDERED DETRIMENTAL TO DESIGNATED LANDSCAPE AREAS**;

ii. Paragraph 2.2.1 be deleted and replaced by:

2.2.1 Suffolk County Structure Plan and the district local plans include policies aimed at protecting areas of particularly attractive or sensitive landscape, which are identified on the Key Diagram of the Structure Plan and the proposals maps of the local plans. The Minerals Planning Authority will have regard to the landscape qualities which justified the designation and applications for mineral working will be considered in the context of the structure and local plan policies aimed at protecting these areas.

Objection Nos. 0387 Finch & Ollett; 0428 J A McAdam; 0598 Ightham Sandpits; 1045 ARC Central

Counter objection No. 3033 ARC Central

Summary of objections

1.71 i. The policy treats all trees, woodlands, hedgerows and landscape features with the same merit. The policy should be re-written to refer to particular designations of these elements for which protection is sought, in line with nationally recognised definitions [0387, 1045].
ii. The Plan does not recognise the requirement to strike a balance between the need for development and the desire for conservation and preservation. The policy should be reworded simply to recognise the need to protect trees where they are seen to be important to the amenity of an area. [0387].

iii. This policy conflicts with the principles of sustainable development. The blanket assumption that the retention of existing trees and hedgerows is paramount prevents the examination of possible greater benefit from the operation of minerals exploitation. Other activities including road construction, general building and especially agriculture are not prevented from removing trees, hedgerows etc. The policy should be replaced by a policy which examines how minerals operations can be used to enhance the environment in the longer term through careful landscaping and planting [0598].

iv. There is no indication of what constitutes ‘satisfactory’ [0598].

v. The reasoned justification should be amended to require restoration schemes to be at least equal to that lost through the development and which can, in time, be effective in enhancing an area following extraction [0428].

vi. Objection is made to PDA52 [3033].

Inspector’s considerations and conclusions

1.72 The MPA propose to change the wording of the supporting text, or reasoned justification, for this policy. PDA52(part) (CD.B5) was placed on formal public deposit, and attracted the counter objection lodged by ARC Central. However, this element of the proposed change has been superseded by PDA95 (CD.B28). PDA95 has not been placed on formal deposit, but it has been available for public inspection as part of one of the core documents of the inquiry, and I shall take it into account in my consideration of these objections.

1.73 I do not accept the view put by Ightham Sandpits that, in seeking to retain trees and hedgerows the policy unreasonably and unfairly discriminates against minerals operations. It is Government policy that the countryside should be protected for its own sake (paragraph 2.14 of PPG7). Any significant new development in the countryside could harm its character and appearance and, where new development is permitted, it is reasonable for the local planning authority to seek to minimise the degree of harmful change by retaining landscape features which will help to screen or soften the visual impact. In my experience, this approach is applied by local planning authorities to all types of development wherever possible and practical.

1.74 A protectionist policy such as this is compatible with sustainable development, albeit only for the relatively short term. I accept that mineral working also offers the opportunity for positively managing change which may have longer-term environmental benefits. However, in my view, sustainability policies can also be short-term and protectionist. I have examined the objector’s general objection relating to sustainability and have concluded that the MPA’s approach is not contrary to Government advice.

1.75 It is the role of the SMLP to give positive guidance to the public and the minerals industry. A policy cannot simply examine a hypothetical approach to promoting positive
change in the countryside, it should be a guide for developers and the MPA when considering proposals submitted as planning applications. In my view, nothing in this policy precludes the pro-active approach favoured by the objector. However, even if a pro-active policy were included in the Plan I consider it would still be necessary to include a protectionist policy such SMLP1(b).

1.76 **Ightham Sandpits** do not put forward a definition of their own for the word ‘satisfactory’. Paragraph 2.3.1 is subject of two proposed changes; PDA52(part) and the subsequent PDA95. As the reasoned justification for the policy, this paragraph gives the reasons why the MPA will seek to retain such landscape features. Whether a scheme would be satisfactory or not should be assessed against this reasoning. Inevitably, this will often come down to a subjective judgement but, in my experience, this rarely remains as an irreconcilable problem for minerals developers. I do not consider an exacting and detailed definition of the word ‘satisfactory’ is necessary or even feasible.

1.77 Trees and areas of woodland of particular amenity value may be worthy of special protection through Tree Preservation Orders. However, as noted above (paragraph 1.73), Government policy is that wherever possible, the whole of the countryside should be protected for its own sake, irrespective of any qualitative assessment or consideration of whether particular landscape features provide screening or have some special amenity value. Consequently, I do not consider it appropriate to bring into SMLP1(b) the refinements or categorisations looked for by ARC Central and Finch & Ollett Aggregates Ltd. ARC Central state in their letter of 24 April 1997 that they object to PDA52(part), but give no reasons for this. Accordingly, I can offer no further comment.

1.78 There is some common interest between one of the points made by Ightham Sandpits and the objection made by **J A McAdam**, in that he is asking for a policy to encourage mining to work to create long-term benefits for the appearance of the countryside. The proposed changes do not include his suggested amendments. However, in my view, this policy is primarily concerned with protecting or retaining existing landscape features, it does not directly address restoration proposals. This is covered more appropriately by Policy SMLP4(k). At the inquiry Mr McAdam accepted this. I do not consider further changes are necessary to this paragraph.

1.79 PDA52(part) attracted the counter objection lodged by **ARC Central**. However, this element of the proposed change is not being maintained by the MPA, it being superseded by PDA95. I agree with this. Although PDA95 has not been on formal public deposit, as it represents simply a technical or semantic revision, I consider it is uncontroversial and should be incorporated into the Plan.

**RECOMMENDATION**

1.80 The SMLP be modified by the deletion of the word ‘restoration’ at the beginning of paragraph 2.3.1, and its replacement by **Reclamation**
SMLP1(c) Protection of Designated Habitats and Geological Features

Objection Nos. 0440 English Nature; 2005 SAGA; 2007 Brett Gravel Ltd; 0599 Ightham Sandpits; 1192 RSPB; 1292 GO-ER

Support Nos. 0450 English Nature; 1100 Suffolk Preservation Society; 1184 RSPB; 1201 Environment Agency

Summary of objections

1.81 i. There is no indication of what constitutes 'satisfactory'. The policy should include an exacting and comprehensible definition of what is satisfactory [0599].

ii. The policy fails the test of sustainable development. There are many examples of SSSI’s, NNR, SPAs being derived from minerals operations. The policy should be deleted and replaced with a new policy to examine how to promote enhancement of habitats listed in SCSP17 [0599].

iii. The policy should not cross-ref to structure plan policies but should provide its own detailed guidance which reflects the different criteria which should be applied in sites of international, national and local importance, giving guidance on what would be acceptable [2005, 2007].

iv. SMLP1 (c) and paragraph 2.4.1 are contrary to paragraph 75 of MPG6, in that the Council are applying a common approach to minerals proposals affecting sites of international, national and local nature conservation importance. The policy is also contrary to Structure Plan Policy ENV17 which makes provision for exceptional circumstances [1292].

v. The policy does not include Special Areas of Conservation (SACs) proposed under the Conservation (Natural Habitats etc) Regulations 1994. The Plan should be updated to include such reference. The supporting text should also make reference to SACs and Special Protection Areas (SPAs) and the Conservation (Natural Habitats etc) Regulations 1994 [0440, 1192].

Inspector’s considerations and conclusions

1.82 The MPA propose to change this policy and its supporting text. PDA55 (CD.B5) included references to SPAs and SACs, but further proposed changes were put forward in PDA68 (CD.B24), which omitted reference to SPAs. Both of these proposed changes were placed on formal public deposit. Both of these proposed changes were superseded by PDA92 (CD.B33). The latest PDA has not been on formal public deposit, but has been available as a core document of the inquiry. I have not been made aware of any comments on the latest PDA. I will take the proposed changes into account in my consideration of these objections.

3 I have taken this to be a reference to SCSP Policy ENV17
1.83 This is a protectionist policy and I do not agree with Ightham Sandpits that it does not support the strategy of sustainable development. I have considered the objector's general objection relating to sustainability and have concluded that the MPA's approach is not contrary to Government advice.

1.84 Ightham Sandpits do not put forward a suggested wording for the replacement policy they look for. It is the role of the SMLP to give positive guidance to the public and the minerals industry. A policy cannot simply examine hypothetical approaches to promoting positive enhancements of habitats, it should be a guide for developers and the MPA when considering proposals which come forward as planning applications. In my view, nothing in this policy precludes the pro-active approach favoured by the objector. However, even if a pro-active policy were included in the Plan I consider it would still be necessary to include a protectionist policy such SMLP1(c).

1.85 The MPA accept that the Plan should refer to SACs and all of the PDAs relevant to this policy do so. This has attracted the support of English Nature and RSPB, which is seen to satisfy both of these objections. However, PDA68 and PDA92 do not refer to SPAs and no explanation has been given for this.

1.86 The SMLP should give clear guidance over the need to protect sites of ecological and geological value. These sites are defined under various pieces of legislation and national or local policies and are given different names and degrees of protection, according to the nature and quality of each of the sites. Because the categories of sites may change as some are added, amended or deleted, and the policy context affecting each category may change, it would be unhelpful for the SMLP to attempt to include them all in a list partly because it may not be complete and therefore it could be implied that those not mentioned are not relevant, and secondly because the list may become out of date and therefore have reduced value. I do not agree that the SMLP should include detailed criteria of its own for the protection of these sites as these already exist under other legislation, regulations and policies. The SMLP has not defined the protected sites either in a generalised strategic sense, or specifically on the Proposals Map. Accordingly, I do not consider it appropriate for the SMLP to include specific or detailed policies of its own for the protection of these sites. It should be sufficient for the SMLP policy simply to say the MPA will need to be assured that these sites will be safeguarded, having due regard to the policies and regulations which apply to each category.

1.87 I accept the points made by SAGA and Brett Gravel Ltd, that the policy should not cross-refer to the structure plan directly, because each policy document should be self-contained and not rely upon other documents to complete the point being addressed. The structure plan policy stands on its own as a policy of the development plan, and would be applicable irrespective of the SMLP. However, it could be referred to in the supporting text for the SMLP policy.

1.88 I agree with GO-ER that the criterion as originally drafted did not obviously recognise that each type of site should be treated differently, according to its categorisation and status. PDA92 goes some way towards this by acknowledging the structure plan policy is primarily relevant. However, for the reasons given above, I do not consider that the structure plan policy should be specifically referred to in the local plan policy.
1.89 On the remaining point raised by Ightham Sandpits, the objector does not put forward a definition of its own for the word ‘satisfactory’. I do not consider use of the word ‘satisfactory’ in the policy as originally drafted is unreasonably imprecise. Each of the categories of sites is protected by its own legislation, regulations or policies and these define what may or may not take place in such sites, and what factors have to be taken into consideration when looking at development proposals. If these detailed controls can be satisfied then the proposed development must be regarded as satisfactory for these purposes. I do not consider further definition is necessary.

1.90 PDA92 introduces a reference to exceptional circumstances as a reason to override the policy. Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise. The legislation therefore includes a provision for exceptional circumstances and it is unnecessary to refer to these in the wording of the policy. If they are to be referred to in the policy then it should be made clear as to what would constitute exceptional circumstances. I do not consider this is necessary in this case.

1.91 Drawing these considerations together, I conclude that SMLP1(c) should be modified to delete references to specific categories of sites and policy documents, and references to exceptional circumstances. Paragraph 2.4.1, the reasoned justification for the policy, should be modified to draw attention to the fact that there is a range of such protected sites, and not necessarily just those listed in SCSP Policy ENV17. Because none of the objectors have put forward alternative wording to cover all of these conclusions, I recommend new wording of my own for the policy and its reasoned justification, which reflects the spirit of PDA92.

RECOMMENDATION

1.92 Policy SMLP1(c) and paragraph 2.4.1 be deleted and replaced by:

(c) SATISFACTORY PROPOSALS ARE MADE FOR THE PROTECTION OF SITES OF ECOLOGICAL AND GEOLOGICAL INTEREST;

2.4.1 Sites of ecological and geological importance are referred to in policy ENV17 of the Suffolk County Structure Plan. There are various categories of sites or habitats, each enjoying their own degree of protection, in recognition of their international, national or local significance. However, the list in the structure plan policy is not exhaustive; recent additions to the categories of sites which will be considered under this SMLP policy include Special Protection Areas and Special Areas of Conservation, created under the Conservation (Natural Habitats etc) Regulations 1994. Designated ecological sites are considered as irreplaceable and therefore emphasis is given to their preservation in situ as opposed to attempts to translocate habitats, or the creation of new habitats in exchange. In the case of geological exposures, satisfactory alternatives may be acceptable.
SMLP1(d) Evaluation, Recording and Protection of Archaeological Features

Objection Nos. 0388 Finch & Ollett Aggregates Ltd; 0429 J A McAdam; 0543 SAGA; 0568 Brett Gravel Ltd; 0600 Ightham Sandpits; 0659 Redland Aggregates Ltd; 0699 BACMI; 1046 ARC Central; 1071 Atlas Aggregates Ltd

Counter objection Nos. 3003 English Heritage; 3005 Atlas Aggregates Ltd; 3029 SAGA

Support No. 1067 English Nature

Summary of objections

1.93 i. The policy assumes that all sites are of archaeological interest, sufficient to warrant archaeological investigation. This is contrary to PPG16, which requires archaeological excavation only where important archaeological remains are thought to exist. Criterion (d) should be modified [0543, 0659, 0699, 1046]. Alternatively, it should be deleted altogether [0388]. PDA1 would not meet the objection [3029].

ii. PPG16 requires that an evaluation is only required where nationally important archaeological remains are affected. The policy should be amended to read ‘a satisfactory archaeological assessment of the site and surrounding area has been made in order to provide, where appropriate, the basis of full evaluation of archaeological remains’ [1071].

iii. It is unreasonable and contrary to Government advice to require a survey of the surrounding area not affected by minerals development. The words ‘and surrounding area’ along with paragraph 2.5.2 should be deleted and insert ‘where important archaeological remains may exist’ at the beginning of SMLP1(d) [0543, 0568, 0659].

iv. The terms ‘archaeological remains’ and ‘areas of particular interest’ are not recognised definitions of archaeological features. To overcome this objection, the following should be inserted: ‘In appropriate cases where important archaeological remains exist’ at the beginning of SMLP1(d) [1046].

v. It is not clear what is meant by ‘surrounding area’ and ‘conservation strategy’; these terms should be clarified. The text should attribute protection to sites of ‘particular archaeological importance’ and identify those where physical protection is not possible. [0659].

vi. There is no evidence that associated dewatering adversely affects archaeological remains in land surrounding a minerals site. Paragraph 2.5.2 is unreasonable in requesting a planning evaluation of the effects of dewatering on features outside the boundaries of the application sites [1046].

vii. Add to the last sentence ‘Archaeologists must be permitted access to and working on any site at all times, the costs of archaeological work being paid by the developer’ [0429].
viii. The text of PDAs 1 and 2 should be amended to show a commitment to protecting settings as well as sites. A statement should be included which distinguishes between archaeological assessment, field evaluation and full archaeological excavation [3003].

ix. Proposed change PDA1 exceeds the remit of PPG16 in requiring all archaeological remains to be recorded or avoided [3005].

x. There is no indication of what constitutes ‘satisfactory’. There is no indication of how the local authority will fund the archaeological investigations being required. An exacting and comprehensible definition of what is satisfactory should be included [0600].

Inspector’s considerations and conclusions

1.94 The MPA has put forward several proposed changes to this policy. PDA1 and PDA2 (CD.B5) were placed on formal public deposit, but these were subsequently superseded by PDA69 (CD.B24), which has also been open to full public consultation. PDA69 has in turn has been superseded by PDA108 (CD.B33). PDA108 has not been open to full public consultation, but it has been available as a core document of the inquiry. I have not been made aware of any adverse comments. I will take the proposed changes into account in my consideration of these objections.

1.95 PDAs 1 and 2 have attracted counter objections from SAGA, Redland Aggregates Ltd and Atlas Aggregates Ltd as either exceeding Government advice or, in the eyes of English Heritage, for being insufficiently discriminating. However, PDA69 meets the concerns of BACMI, as well as the original and subsequent counter objections made by SAGA and Atlas Aggregates.

1.96 PDA108 recognises that not all sites will contain significantly important archaeological remains. I consider the proposed change reflects the guidance given in PPG16 (CD.A8). I also consider it meets the concerns expressed by Finch & Ollett Aggregates Ltd, SAGA, Redland Aggregates Ltd, BACMI and ARC Central on this point.

1.97 The wording of PDA108 takes on board the comments made by ARC Central regarding the terminology, which I consider is acceptable. It also deletes any reference to a need to undertake an evaluation of the surrounding area. This does not exactly follow the change suggested by Atlas Aggregates Ltd but I consider it should meet their concerns adequately, as well the comment made on this point by Redland Aggregates Ltd. The PDA retains reference to a conservation strategy, but the scope of such a strategy is implied in the wording of the PDA and, in the context of this policy, needs no further explanation and hence no further change is necessary to accommodate the objection from Redland Aggregates Ltd.

1.98 The PDA also recognises the need to consider the setting of any important archaeological remains, and hence the counter objection from English Heritage is satisfied. Similarly, the PDA accepts the guidance of PPG16 that it may not be necessary or appropriate to record or avoid all areas of archaeological interest. This would satisfy Atlas Aggregates Ltd’s counter objection. Ightham Sandpits do not put forward their preferred definition for the word ‘satisfactory’. In my opinion, the inclusion of the word adds nothing to the clarity or strength of the policy as an unsatisfactory field evaluation would not provide
the basis for any necessary conservation strategy looked for in the policy. Accordingly, I consider it should be omitted.

1.99 Whereas I agree with J A McAdam to the extent that archaeologists should have access to sites, if only for security and health and safety reasons, the policy cannot require that open access be permitted for archaeologists at all times. However, it is usual practice to attach planning conditions to a permission for new minerals working to give archaeologists at least a watching brief during soil stripping operations, in accordance with a scheme agreed between the site operator and the MPA. It would be appropriate if the possibility of such conditions being attached to a planning permission were mentioned in the supporting text.

1.100 J A McAdam and Ightham Sandpits both comment on the funding of archaeological investigations. Planning policy should not identify who should pay for any requirements set out in a policy or planning conditions. However, the MPA point out in their response to Ightham Sandpits that customarily this is paid for by the developer. This can be formalised through an agreement made under Section 106 of the Town and Country Planning Act if necessary. Whilst this should not be part of the policy, it would be helpful if it were noted in the supporting text.

1.101 Turning now to the supporting text, paragraph 2.5.2 should be modified to reflect the changes to the policy as embodied in PDA108 and other changes recommended by me. The evaluation of a potential minerals site should not have to include an evaluation of features outside the site itself, unless they are seen to be part of the setting of features within the minerals site. In which case, they would only need to be evaluated to that extent. I therefore support the objection made by ARC Central on this point. However, while it may not be relevant in every case, I do not agree that the possibility should be overlooked of harm being caused to archaeological interests beyond the site boundary by de-watering operations. I consider it is proper for the supporting text to refer to this.

RECOMMENDATIONS

1.102 The SMLP be modified as detailed below:

i. Policy SMLP1(d) be deleted and replaced by:

(d) AN ARCHAEOLOGICAL FIELD EVALUATION OF THE SITE HAS BEEN MADE IN CASES WHERE IMPORTANT ARCHAEOLOGICAL REMAINS ARE KNOWN TO EXIST, IN ORDER TO PROVIDE THE BASIS FOR ANY NECESSARY CONSERVATION STRATEGY INCLUDING, AS APPROPRIATE, PROVISION FOR THE RECORDING AND / OR AVOIDANCE AND PROTECTION OF IMPORTANT ARCHAEOLOGICAL REMAINS AND THEIR SETTINGS;

ii. Paragraph 2.5.2 be deleted and replaced by:

2.5.2 The County Council will ensure that important archaeological remains are protected from disturbance either directly by soil stripping and excavation, or indirectly by dewatering. Where a planning application is made to work minerals in an area known to include archaeological remains, the site should be evaluated and a report submitted to the minerals planning authority. The
evaluation will usually be at the applicant's own expense and must take into account features of archaeological importance situated outside the application site where these are seen to be part of the setting of a feature found on the site. Where development is permitted in an area known to contain archaeological remains, the working should be in accordance with a conservation strategy agreed by the minerals planning authority. Conditions may also be attached to a planning permission, requiring the operator to allow access at all reasonable times to a nominated archaeologist during the soil stripping phases of the operation.

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**SMLP1(c) Protection of Listed Buildings, Conservation Areas and their Settings**

**Objection Nos.**

0544 SAGA; 0569 Brett Gravel Ltd; 0601 Ightham Sandpits; 0700 BACMi; 1047 ARC Central; 1072 Atlas Aggregates Ltd; 1293 GO-ER; 1312 Tarmac Quarry Products (Southern) Ltd

**Summary of objections**

1.103 i. Paragraph 2.6.1 gives an overly restrictive interpretation of Policy SMLP1(c). Each proposal must be considered on its own merits. The words 'unless satisfactory mitigation measures can be taken' should be added to the end of each sentence [0544, 0569, 1312].

ii. There is no indication of what constitutes 'satisfactory'. The policy should either include an exacting and comprehensible definition of what is satisfactory, or it should be deleted and replaced with a new policy to examine ways that minerals operations offer the opportunity to enhance the setting of listed buildings, conservation areas and their settings [0601, 0602 '].

iii. The policy should differentiate between a conservation area itself and its setting as these should be afforded different levels of protection [1312].

iv. There is no definition of what constitutes 'setting'. Unless such definitions are made, any reference to settings should be removed [1047].

v. Restoration schemes following minor workings can often enhance the setting of listed buildings or conservation areas in the longer term. The first sentence of paragraph 2.6.1 should be amended to read; '...where it would permanently adversely affect...' [1072].

vi. The levels of blasting at minerals sites are well below those which would be necessary to cause structural damage to any building. The reference to 'vibration' should be deleted from paragraph 2.6.1 [1293].

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* The objector ascribed this comment to SMLP1(f), but it has been taken by me to relate to SMLP1(c).
Inspector’s consideration and conclusions

1.104 The MPA has put forward several proposed changes to the supporting text for this policy (paragraph 2.6.1). PDAs 3 and 4 were placed on formal public deposit, PDA4 superseding PDA3. Subsequently PDA78 superseded PDAs 3 and 4, which in turn has been superseded by PDA105. Therefore, the policy as currently proposed by the MPA comprises the policy as in the deposit draft document, supported by PDA105 as the reasoned justification. PDA105 has been available for public inspection as part of an inquiry document (CD.B28), and I have not been made aware of any adverse comments on this proposed change. Therefore, my consideration of the objections takes PDA105 into account.

1.105 Ightham Sandpits do not put forward a suggested definition of the word ‘satisfactory’. The reasoned justification for the policy (as proposed to be changed) explains the purpose of the policy, and an interpretation of what may or may not adversely affect a conservation area or a listed building, or their settings would, in my view, be a matter for professional judgement according to the circumstances and material considerations of each case. I do not consider a detailed definition is necessary or even feasible. Neither do they put forward the replacement policy which they look for as the alternative. In my view, a policy cannot simply examine hypothetical approaches to promoting positive enhancements to listed buildings and conservation areas, it should be a guide for developers and the MPA when considering proposals which come forward as planning applications. In my view, nothing in this policy precludes the pro-active approach favoured by the objector. However, even if a pro-active policy were included in the Plan I consider it would still be necessary to include a protectionist policy such SMLP1(e).

1.106 Dealing with the points raised by Tarmac Quarry Products (Southern) Ltd, and ARC Central relating to the setting of listed buildings and conservation areas, paragraphs 2.16 and 2.17 of PPG15 Planning and the Historic Environment (CD.A7) discusses the setting of listed buildings. I do not consider it necessary for the Plan to repeat this guidance or to develop its own. Paragraph 4.14 of PPG15 discusses the relevance of the setting of a conservation area, but it does not offer any definition of what should be regarded as the setting. In my view, is a matter for professional judgement, taking into account the qualities which merited the designation of the conservation area, as advised in paragraph 4.15 of the PPG. This judgement would extend to what would be the appropriate level of protection to be applied within that setting. In my view, it would be inappropriate for this Plan to offer specific criteria to be taken into account as, for the most part, conservation areas are designated and administered by the district planning authorities. Each conservation area is likely to have its own characteristics and each will have its own setting. The district planning authorities will have detailed policies which would be relevant in an assessment of the impact of a proposed scheme on a conservation area and its setting, either in district local plans or separate conservation area policies. In this regard, it would be helpful if the reasoned justification acknowledged the relevance of district planning authority conservation area policies. Beyond this, I do not consider further modification of the SMLP is necessary.

1.107 I agree with the MPA’s response to the objections raised by SAGA, Brett Gravel Ltd, and Tarmac Quarry Products (Southern) Ltd that it is unnecessary to extend the wording of the policy as suggested. It would be self evident that if the proposals put forward by a developer included mitigation measures then this would overcome any potential conflict with the policy and the proposal could be regarded as being satisfactory. The supporting text refers to the potential effect of dewatering on a listed building. This could also be an
indirect effect, in that it could be the effect on a building at some distance from the mineral site. Similarly, the effect of quarry traffic on a conservation area would, in my view, be an indirect effect of permitting working on a site. To clarify or strengthen this view, I consider the reasoned justification should state that the policy addresses direct and indirect effects. Having said that, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 only requires that when considering proposals for new development in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area, it does not require consideration be given to its quality per se. It may be no more than a semantic point, but I consider this should be made clear in the wording of the supporting text.

1.108 Taking the point raised by Atlas Aggregates Ltd, whereas it is possible that a mineral working scheme could ultimately enhance the setting of listed building, I agree with the MPA that this is unlikely to be a major factor in the consideration of planning applications for new workings. The policy seeks to protect what exists at the moment and I do not consider a policy which readily accepts even temporary harm to a listed building or conservation area should be included in the Plan. Any future enhancement would either be a point for detailed discussion over the restoration of a site or, and probably in very rare circumstances, be an argument to justify an exception to the policy. I do not consider that SMLP1 is the appropriate policy to consider details of restoration schemes. Similarly, Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise, which suggests that a policy should not include arguments for exceptions to the policy; these would be separate considerations and argued on their own merits.

1.109 PDA105 deletes any reference to vibration. I consider this is appropriate and hence the objection made by GO-ER would be satisfied.

1.110 Drawing all these points together, I consider the policy and its reasoned justification should be modified generally in accordance with PDA105, but further modified to delete references to the setting of a conservation area and the control of development within conservation areas.

RECOMMENDATION

1.111 The SMLP be modified by the deletion of paragraph 2.6.1 and its replacement by:

2.6.1 Mineral working will not be permitted where it would adversely affect a conservation area or a listed building either directly or indirectly, for example through dewatering. In addition, mineral working will not be permitted on land where it would adversely affect the setting of a conservation area or listed building. Consideration will also be given to the impact of quarry traffic on the character and appearance of conservation areas. The likely impact of proposals upon the fabric and quality of conservation areas, listed buildings and their settings will be assessed with regard to the particular circumstances and in the light of relevant policies in district local plans or other policy guidance.
Objection No. 1048 ARC Central

Summary of objection

1.112 The policy imposes a strict duty not to affect the existing flood plain regime without the construction of additional flood protection works. It is entirely possible that operations can take place within the existing flood plain regime without unacceptable consequences to the flood pattern. The policy should be amended to allow changes to the existing flood plain regime to occur but which do not unacceptably adversely affect the flood patterns [1048].

Inspector’s considerations and conclusions

1.113 The MPA put forward proposed change PDA5 (CD.B5) to meet this objection. The proposed change has been open to public consultation and has attracted no counter objections. The proposed change meets the concern of the objector. I consider the proposed change is acceptable and the policy should be modified accordingly. In which case, the conditionally withdrawn objection is satisfied.

RECOMMENDATION

1.114 The SMLP be modified in accordance with PDA5, as set out in the schedule of post deposit amendments CD.B5.

Objection Nos. 0603 Ightham Sandpits; 1049 ARC Central; 1203 Environment Agency

Support Nos. 1202 Environment Agency; 3025 MAFF

Summary of objections

1.115 i. There is no indication of what constitutes ‘satisfactory’. The policy should be revised to include an exacting and comprehensible definition of what is satisfactory.

ii. The protection of groundwater is the remit of the Environment Agency. The planning system should not be operated so as to duplicate controls which are the statutory responsibility of other bodies. To conform to the principle of sustainable development all policies should seek to identify opportunities where minerals operations confer the greatest possible economic and environmental benefit to society. The policy fails in that respect and it should be deleted and replaced with a new policy that seeks to assist the Environment Agency in their activities and, if possible, identify areas where minerals extraction can be used to promote greater flexibility in the water supply system through the creation of new reservoirs [0603].
iii. The supporting text for the policy is inconsistent with the policy itself, in that it offers equal protection for ground and surface water, whereas the policy implies a stricter duty to protect groundwater. The policy should be re-worded to reflect the requirements as specified in paragraph 2.8.1 [1049].

iv. Paragraph 2.8.1 should be re-worded as follows;

"The implications of removing land above or below the water table should be assessed at an early stage and preferably before an application is made or defined...The lowering of the water table may have unacceptable consequences for the surrounding area, including conservation interests, water features, springs, streams, ponds and licensed and unlicensed wells and boreholes...." [1203].

Inspector's considerations and conclusions

1.116 The MPA have put forward a proposed change to paragraph 2.8.1, the reasoned justification for the policy (PDA6 - CD.B5). The proposed change has been open to public consultation. My consideration of the objections takes the proposed change into account.

1.117 The proposed change exactly follows the revision suggested by the Environment Agency. I consider the proposed change usefully expands the explanatory text and should be incorporated into the Plan, subject to the comments below.

1.118 Ightham Sandpits do not put forward a suggested definition of the word 'satisfactory'. The reasoned justification for the policy (as proposed to be changed) explains the purpose of the policy but I consider it does not properly explain those concerns. I assume the policy is intended to protect groundwater from unacceptable contamination and consequent pollution, but this is not explained. However, within this context, I do not consider that any more detailed definition of the word 'satisfactory' is necessary; the ordinary, dictionary definition would be appropriate and understood by the users of the Plan.

1.119 Ightham Sandpits do not put forward a suggestion for the replacement policy which they look for as the alternative to the one in the Plan. In my view, a policy cannot simply examine hypothetical approaches to promoting positive benefits for the water environment, it should be a guide for developers and the MPA when considering proposals which come forward as planning applications. In my view, nothing in this policy precludes the pro-active approach favoured by the objector. However, even if a pro-active policy were included in the Plan I consider it would still be necessary to include a protectionist policy such SMLP1(g).

1.120 I have examined the wording of the policy and paragraph 2.8.1, both in its original form and as proposed to be changed. However, I do not come to same view as ARC Central, that the policy and its supporting text are in conflict. I do not consider any further changes are necessary in response to this objection.

RECOMMENDATION

1.121 The SMLP be modified by the deletion of paragraph 2.8.1 and its replacement by:
2.8.1 The implications of removing land above and below the water table should be assessed at an early stage, and preferably before an application is drafted. Provision may need to be made to protect surface and groundwater resources from contamination and subsequent pollution both on the application site and in the surrounding areas. The lowering of the water table may have unacceptable consequences for the surrounding area, including water conservation interests, water features, springs, streams, ponds and licensed and unlicensed wells and boreholes. Abstraction and discharge of water may also have implications for the levels and quality of surface water.

Objection Nos. 0604 Ightham Sandpits; 0660 Redland Aggregates Ltd; 0701 BACMI; 1341 Tarmac Quarry Products (Southern) Ltd; 1102 Suffolk Preservation Society

Summary of objections

1.122 i. There is no indication of what constitutes ‘satisfactory’ or ‘unacceptable’. The policy should be deleted and replaced with an exacting and comprehensible definition of what is satisfactory or unacceptable [0604].

ii. The word ‘unacceptable’ does not add clarity to the intention of the policy and should be deleted [1341].

iii. The policy is superfluous as it is covered by other legislation. Policy (h) should therefore be deleted [0660, 0701, 1341].

iv. Certain environmental concerns have been overlooked. The following wording should be added to the text: ‘Satisfactory proposals are made to prevent disruption of public rights of way. If this is not possible satisfactory proposals for a diversion must be made’. [1102].

Inspector’s considerations and conclusions

1.123 The MPA have put forward a proposed change to this element of the policy (PDA7 - CD.B5). The proposed change has been open to public consultation and my consideration of the objections takes it into account.

1.124 The proposed change generally follows the revision suggested by Suffolk Preservation Society. I consider the proposed usefully clarifies the policy and should be incorporated into the Plan.

1.125 Ightham Sandpits do not put forward a suggested definitions for ‘satisfactory’ or ‘unacceptable’. I do not find these words inappropriate or difficult to understand in the context of this policy. I consider the ordinary, dictionary definitions of these words would be appropriate and understood by the users of the Plan. However, PDA7 deletes
‘unacceptable’ and, as I support the inclusion of this proposed change as a modification to the Plan, this would overcome at least this element of the Ightham Sandpits and Tarmac Quarry Products (Southern) Ltd’s objections.

1.126 Whereas Redland Aggregates Ltd, BACMI and Tarmac Quarry Products (Southern) Ltd point out that public rights of way are already protected by highways legislation, there are seemingly no precise boundaries between this and planning interests. MPG2 recognises there may be a degree of overlap between planning and other controls, and advises that even though matters may be covered by other legislation, good planning considerations may justify imposing additional, planning controls. The advice in MPG2 particularly relates to planning conditions but, in my view, it is equally as relevant to the framing of planning policies in local plans. Public rights of way have a recreational or amenity value which I consider is a legitimate planning interest and, although a planning policy may not have a direct, legal bearing on the protection or diversion of a right of way, a planning view would be a relevant consideration as to whether a closure or diversion across a minerals site would be an acceptable consequence of granting planning permission.

RECOMMENDATION

1.127 The SMLP be modified in accordance with proposed change PDA7, as set out in the schedule of post deposit amendments, CD.B5.

### SMLP(0): Feasibility of Measures to Protect the Environment

<table>
<thead>
<tr>
<th>Objection Nos.</th>
<th>Support Nos.</th>
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</thead>
<tbody>
<tr>
<td>0389 Finch &amp; Ollett Aggregates Ltd; 0605 Ightham Sandpits; 0661 Redland Aggregates Ltd; 0710 BACMI; 1342 Tarmac Quarry Products (Southern) Ltd</td>
<td>1103 Suffolk Preservation Society; 1204 Environment Agency</td>
</tr>
</tbody>
</table>

Summary of objections

1.128 i. It is seldom possible to produce evidence to show the effectiveness of environmental protection measures. Paragraph 2.10.1 is stifling to innovation and would prevent progress with environmental protection. Delete ‘satisfactory evidence to show that’ and insert ‘a reasoned argument why’ [0389].

ii. There is no evidence of what constitutes ‘satisfactory’. The policy appears to be well intentioned but is rather heavy handed and could stifle innovation. A comprehensible definition of ‘satisfactory’ is required [0665].

iii. The intention of the policy is unclear. Environmental protection is covered adequately by other polices in the Plan. Clarification is required or the policy deleted as it is superfluous [0661].

iv. The objectors have reservations about Part (i) and wonder if it is a policy capable of implementation, written as it is in such vague terms [0710].
v. The policy is superfluous as the application of new technology / ideas to environmental protection will be introduced by either legislation or logical argument. The policy should therefore be deleted [1342].

Inspector's consideration and conclusions

1.129 There seems to be a degree of difficulty in understanding the purpose of this policy. At the inquiry the MPA explained that it was intended to cover situations where developers were proposing to employ environmental protection measures which were novel or had not been tried previously in Suffolk. The MPA would want to be satisfied that the techniques or management regimes were effective and did not give rise to unacceptable side effects.

1.130 I consider this cautious approach is reasonable and is one which could be incorporated into the SMLP as a policy, and I do not agree that it is superfluous. Application of the policy would give the public reassurance that only proven methods of environmental protection would be employed on sites in the County. However, I agree with the objectors that the wording of the policy or the reasoned justification needs to be improved if it is to properly convey its intended purpose. From the discussion at the inquiry I consider I am able to recommend a form of words which should satisfy the objections lodged by Redland Aggregates Ltd, BACMI and Tarmac Quarry Products (Southern) Ltd.

1.131 I accept the point made by Ightham Sandpits that there is a risk the policy could stifle innovation where an entirely new technique, untried in practice elsewhere, might be introduced. However, by requiring 'evidence' rather than practical proof alone, it offers the opportunity for entirely new techniques to be introduced.

1.132 Ightham Sandpits and Finch & Ollett Aggregates Ltd ask for a clear explanation for the use of the word 'satisfactory' in the policy. Ightham Sandpits do not put forward a suggested definition, but Finch & Ollett Aggregates offer an alternative wording. I consider that if the purpose of the policy is set out more clearly in the reasoned justification, the word 'satisfactory' would be understandable in that context, using its ordinary or dictionary definition. Consequently I do not consider further definition would be necessary.

RECOMMENDATION

1.133 The SMLP be modified by the deletion of paragraph 2.10.1 and its replacement by:

2.10.1 Where, to comply with other policies of the SMLP, a developer or operator proposes to use new or novel measures for the protection of the environment which have not previously been tried in the County, the mineral planning authority will require evidence to be produced to demonstrate that the methods are capable of achieving the desired level of protection. The developer should be able to show that the methods are capable of operating over a long enough period, and on a reliable and consistent basis, to cope with the particular environmental concern it is intended to address.
Objection Nos. 0390 Finch & Ollett Aggregates Ltd; 0545 SAGA; 0570 Brett Gravel Ltd; 0606 Ightham Sandpits; 0662 Redland Aggregates Ltd; 0702 BACMI; 1050 ARC Central; 1343 Tarmac Quarry Products (Southern) Ltd

Support No. 1104 Suffolk Preservation Society

Summary of objections

1.134 i. The policy simply assumes that a reduction in output at an existing site operated by the same company would necessarily be undesirable. It is not a legitimate function of the planning system to control the overall mineral activity or output of any one company in the County. Policy (j) should be deleted [0390, 0570, 0662].

ii. This is an infringement of the right of the developer to retain commercial judgement. Different materials may be required by the market at different times and operators are best placed to make judgements regarding output from their quarries. This policy should be deleted [0545, 0702].

iii. This policy conflicts with the principles of economic development. Planning permission runs with the land and is not constrained by ownership of the land. The ownership of planning permissions is a separate issue that should not be confused with supply to a market. Once the ownership of land is removed from this policy it conflicts with the principle of economic development through a free deregulated market. The policy should be deleted, together with any reference to existing sources of supply in the market [0606].

iv. This policy conflicts with the principle of environmental protection through promoting a reduction in transport demands. The application of this policy would prevent the examination of opportunities to match the source of supply for minerals close to its end use thereby reducing the demand for transport [0606].

v. The content of this policy is not a planning matter. There is sufficient existing legislation to deal with any concern regarding the operation of existing sites. The policy should be deleted [1050, 1343].

Inspector's considerations and conclusions

1.135 The MPA propose to change the policy by adding references to environmental consideration in applying this policy (PDA8 - CD.B5). The proposed change has been open to public consultation and has not attracted counter objections. In which case, I will take it into account in my consideration of these objections.

1.136 The underlying aim of this policy seems to be an attempt to encourage early restoration of sites once reserves have been worked out. It is seen that this could be achieved by withholding planning permission for another site in the same area if it is being pursued by the same operator. In my view this is against the principles of the planning
system. Firstly, a planning permission rests with the land, irrespective of the owner or operator. Planning permission cannot be refused to company 'X' simply because they own or run another site in the same vicinity. By applying this policy permission for the same scheme would not be withheld from company 'Y', - which would be both unfair and unreasonable.

1.137 All of the objectors are making generally the same point, that this policy is an attempt either to interfere with the commercial judgement of an operating company, or to control the production of a company for non-planning reasons. Seen in this light, I agree that this policy would not be in accordance with planning interests, and would be an attempt to interfere in matters which are commercial judgements. Whilst I recognise the point made by Ightham Sandpits that there could be otherwise avoidable consequences for sustainability policy in that diverting production to an alternative, more distant site might unreasonably add to transport distances and fuel consumption, I do not see this as a major consideration as the alternative sites would probably be worked at some time in the future anyway, and probably with the same implications for transport demand.

1.138 Ownership per se cannot be employed as a means of achieving planning control. Restoration / reinstatement of the landscape is, of course, a proper planning interest, but in a planning policy document this must be achieved through planning controls. A properly considered regime of planning conditions or obligations which addresses the timing or phasing of restoration and aftercare should cover the concerns the MPA seem to have over the timing of restoration of neighbouring or proximate sites. In my view, the policy does not represent a proper means of exercising planning control and it should be deleted from the Plan.

RECOMMENDATIONS

1.139 i. The SMLP be modified by the deletion of policy SMLP1(i) and paragraph 2.11.1

   ii. Subsequent policies be renumbered sequentially after SMLP1(i) and paragraphs renumbered sequentially after 2.10.1.

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SMLP1:1 Combined Environmental Effects of a Number of Mineral Workings Within a Local Area

Objection Nos. 0430 J A McAdam; 0607 Ightham Sandpits; 0663 Redland Aggregates Ltd

Support No. 1205 Environment Agency

Summary of objections

1.140 i. There is no indication of what constitutes 'acceptable' [0607].
ii. Amend sentence from ‘...where one or more workings already exists will be decided after assessment of the cumulative effects on the vicinity in particular in respect of visual impact, noise levels, pollution and traffic’ [0430].

iii. It is not clear what criteria will be used in the assessments of cumulative environmental impact and how it will be measured. Clarification is required [0663].

iv. The purpose of planning is to determine whether the land is fit for the purpose for which planning permission is sought. Land does not become unfit for a purpose because there are similar developments in the vicinity. An assessment of the cumulative effects of development should be made in the light of promoting development in such a way as to generate the greatest overall economic and environmental benefit. The policy should be deleted and replaced by a new policy to identify how cumulative effects of development can be used to promote economic and environmental benefit [0607].

Inspector’s considerations and conclusions

1.141 The MPA propose to change the policy by adding references to environmental consideration in applying this policy (PDA9 - CD.B5). The proposed change has been open to public consultation and has not attracted counter objections. In which case, I will take it into account in my consideration of these objections.

1.142 Dealing with the first point made by Igtham Sandpits, the policy is concerned with matters which will probably differ from site to site and will, for the most part, rely upon a professional, albeit subjective, judgement. With a common understanding of professional values between the MPA and a developer appreciation of the various problems should not be difficult, although there may be disagreement over their significance. Planning decisions very often rely on a subjective appreciation and, if there is an unresolved disagreement over the view taken by the MPA, the appeal process is available to consider disputes of this kind. I consider it would be difficult to draw up a list of objective standards or criteria which would be truly applicable to every situation.

1.143 Paragraph 2.12.1, (as proposed to be changed) although brief, gives an explanation of what factors the MPA will take into account if this policy is relevant in the consideration of an application. Therefore I do not consider further changes are necessary to meet the objection raised by Redland Aggregates Ltd. I consider the proposed change usefully strengthens the policy in giving reassurance to those who may be potentially disadvantaged or harmed if more than one working is proposed in a particular area. The proposed change should be incorporated in to the Plan. In which case, the conditionally withdrawn objection from J A McAdam would be satisfied.

1.144 Igtham Sandpits do not put forward a suggested wording for the alternative policy they would like to see included in the Plan. I do not consider the policy as drafted or as proposed to be changed precludes the kinds of positive benefits which the objector thinks may be achievable. If coordinated multiple schemes in an area would not cause harm with respect to visual impact and traffic interests then these would not contravene the policy. I do not think it is the duty of the MPA to actually promote such multiple schemes however beneficial they may be; the MPA cannot require operators to enter the market on a given site at a given time. To have policies which facilitate potentially beneficial multiple schemes would be sufficient.
RECOMMENDATION

1.145 The SMLP be modified in accordance with proposed change PDA9, as set out in the schedule of post deposit amendments, CD.B5.

Summary of objections

1.146 i. The planning system should not be operated so as to duplicate controls which are the statutory responsibility of other bodies. Planning permission runs with the land and is not constrained by ownership. This policy fails the test of planning control if a planning permission is sold by the applicant to another operator. The policy should be deleted and replaced with a policy to seek to assist the Environment Agency and English Nature in their activities through examination of effectiveness of operation and restoration methods [0608].

ii. The matter is already covered by SMLP(i). The policy should be deleted [1051].

iii. The circumstances of past restoration performance is unlikely to be comparable with new proposals. Past performance should not be a reason for refusal. It is also contrary to MPG [1073].

Inspector's considerations and conclusions

1.147 The MPA propose to change both the policy and the supporting text in paragraph 2.13.1 the proposed changes are largely of a semantic or technical nature. Both PDA10 (CD.B5) and PDA79 (CD.B24) have been open to public consultation and have not attracted counter objections. In which case, I will take them into account in my consideration of these objections.

1.148 Ightham Sandpits make a clear and obvious point; a planning permission relates to the land and not to any particular operator. As drafted, the policy implies that planning control will rely upon the policies or practices of a particular company either in the way the site is operated or in its restoration. If particular control measures are required, these should be specified in planning conditions or embodied in planning obligations, which would apply irrespective of who the applicant may be. Neither can a planning policy prevent an inept operator from entering into production.

1.149 I agree with Atlas Aggregates Ltd that the standard of performance of an operator on another site cannot justify a refusal of planning permission should that same operator make another application; that is, company 'X' would be granted a planning permission, but
company 'Y' would be refused for the same scheme. To base a refusal of planning permission on those grounds would be seen as unreasonable behaviour. The planning system only has powers to intervene or stop an operator who fails to comply with the terms of the permission and any attaching conditions or planning obligations.

1.150 If the personality of an applicant is removed from the policy, then what remains is an expectation that an applicant can demonstrate that the operational procedures and environmental control measures, and the restoration techniques which are being proposed in an application are feasible. I agree with the point made by ARC Central, that these matters are covered elsewhere in the Plan, although by a far wider range of policies than simply SMLP1(i). The preceding elements of Policy SMLP1, and policies SMLP2 and SMLP3 deal with assurances on acceptable operational practices and Policy SMLP4 deals with assurances on satisfactory restoration.

1.151 Ightham Sandpits do not put forward a suggested wording for a replacement policy, but I do not consider one is necessary. A planning policy should deal only with the control of development and the use of land; it cannot be used to require cooperation between agencies involved in environmental supervision or control.

RECOMMENDATION

1.152 The SMLP be modified by the deletion of policy SMLP1(i) and paragraph 2.13.1

Objection No. 1052 ARC Central

Summary of objection

1.153 In order to provide a degree of consistency between the SMLP policies and the wording of the Suffolk Structure Plan, the policy should be reworded to read: ‘When considering planning applications for mineral working and associated development the County Council will not normally grant permission unless....’ [1052].

Inspector's considerations and conclusions

1.154 I agree with ARC Central that, where possible, there should be consistency between the development plan policies. However, with the introduction of Section 54A of the Town and Country Planning Act 1990, application and interpretation of development control policies should be clear. The word 'normally' implies that there are other, unspecified, circumstances where planning permission may be granted and still be in accordance with the policy. This would be misleading and not convey the confidence expected of the development plan system. If material considerations justify granting planning permission contrary to the policy Section 54A makes provision for this. By definition, exceptional circumstances, whatever they may be, cannot be framed as part of the policy. Therefore, the Plan should not be revised to incorporate the wording suggested by the objector.
1.155 Furthermore, for the same reasons explained under my consideration of the general statement relating to Policy SMLP1, I also consider the word 'only' should be omitted from the wording of the policy.

RECOMMENDATION

1.156 Policy SMLP2 be modified by omitting the word 'only' from the preliminary statement.

**SMLP2(a) Operating Hours**

Objection Nos. 0391 Finch & Ollett Aggregates Ltd; 0425 J A McAdam; 0609 Ightham Sandpits; 0664 Redland Aggregates Ltd; 1053 ARC Central; 1106 Suffolk Preservation Society

Summary of objections

1.157 i. The policy would restrict working hours to weekdays and Saturday mornings, however, paragraph 2.14.1 indicates that variations may be necessary due to local circumstances. There is no point in having a policy which may then be required to be varied. The policy is therefore superfluous and should be deleted [0391].

   ii. Paragraph 2.14.1 line 4 should be amended to read; ‘...and exceptionally, a mineral operator may ask to work outside these hours on a temporary basis in order to fulfil a contractual obligation, but such variation will not be permitted adjacent to residential development. Vehicles will not be permitted to enter a minerals working prior to 7.30 and one hour after the close of operating hours’. [0425].

   iii. The policy imposes burdens on the minerals industry which are not warranted by the activities of the industry itself. This policy would only be acceptable if similar restrictions were placed on all forms of industry regarding their hours of operation. It is suggested that the policy be deleted [0609].

   iv. The setting of hours of operation goes further than that required by development control purposes. The control of working hours should be dealt with as a planning condition. The policy should be reworded to clearly reflect this [0664].

   v. The text of this policy should be amended to reflect what is said in paragraph 2.14.1 ie, the restrictions specified may not be appropriate in all locations and each situation should be determined on its own merits [1053].

   vi. It should be made clear in the explanatory text, that working outside normal operating hours is not, in general, acceptable [1106].
Inspector’s considerations and conclusions

1.158 The MPA propose to change the wording of the supporting text in paragraph 2.14.1 to emphasise when the policy’s restrictions would not be relaxed (PDA11 - CD.B5). The proposed change has been open to public consultation and has not attracted counter objections. In which case, I will take the proposed change into account in my consideration of the objections.

1.159 Mineral sites can be the source of disturbance to the surrounding area. The policy is aimed at protecting the amenities of those who live in the vicinity of a minerals site, or to protect the amenity of areas in the vicinity of a mineral site which are used for recreation or leisure purposes. In which case, I consider it is entirely reasonable to seek to restrict the hours of operation where it can be shown that working outside what is generally considered ‘normal’ operating hours would cause unacceptable disturbance in the countryside or to people who live in the vicinity.

1.160 However, I agree with Finch & Ollett Aggregates Ltd, Ightham Sandpits, Redland Aggregates Ltd and ARC Central who have expressed the view, in their various ways, that the policy as worded is unreasonable. It requires restrictions to be placed on all operational sites without the local planning authority having to show whose interests would be harmed and how. It would only be justifiable to impose restrictions if harm would be caused to interests of acknowledged importance. I consider the policy should be reworded to state that operating hours will be restricted through the imposition of planning conditions where it is considered that the amenities of local residents or the countryside would be unreasonably harmed by operations on, or directly associated with, the site.

1.161 If the policy was amended to follow the above view, there would be no need for the sort of additional comments looked for by J A McAdam and Suffolk Preservation Society, as the conditions to restrict hours would have to be considered for each individual site and structured so as to take account of the circumstances of the surroundings of each site. If the policy and supporting text were to be reworded to reflect to my views it would probably not include proposed change PDA11, which would have satisfied both of these conditionally withdrawn objections. If it is considered appropriate or necessary to make provision for exceptional circumstances this should be set out in the policy, stating the sort of circumstances which would justify an exception and the procedure which should be followed to make an application for an exception.

1.162 None of the objectors have proposed an alternative wording for the policy. I put forward my recommended wording for the policy and its supporting text.

RECOMMENDATIONS

1.163 The SMLP be modified by:

i. The deletion of policy SMLP2(a) and its replacement by:

(a) THE HOURS OF WORKING ARE RESTRICTED TO WEEKDAYS AND SATURDAY MORNINGS WHERE UNRESTRICTED WORKING WOULD UNREASONABLY DISTURB LOCAL RESIDENTS OR THOSE USING
THE SURROUNDING COUNTRYSIDE FOR RECREATIONAL OR LEISURE PURPOSES;

ii. The deletion of paragraph 2.14.1 and its replacement by:

2.14.1 Minerals working and associated activities, including maintenance of plant and machinery can be noisy. Whereas this may be acceptable during the usual working day, people living near to such sites, or who use the surrounding area for recreation or leisure purposes have a reasonable expectation that evenings and weekends should be times for quiet enjoyment of their homes and the countryside. Where such considerations apply, conditions will be attached to planning permissions usually to preclude working before 0700 and after 1800 on Mondays to Fridays, and before 0700 and after 1300 on Saturdays. Working will not usually be allowed on Sundays or public holidays. Exceptionally, a mineral operator may be permitted to work outside the restricted hours on a temporary basis, but this would be only with the prior written approval of the mineral planning authority.

SMLP2(b) Screening of Mineral Workings

Objection Nos. 0610 Ightham Sandpits; 1054 ARC Central

Support No. 1107 Suffolk Preservation Society

Summary of objections

i. Other forms of industry operate without screening of workings, and the policy imposes burdens on the mineral industry which are not warranted by the activities of the industry itself. This policy would be acceptable if all other forms of industry were similarly restricted. The policy should be deleted [0610].

ii. The policy refers to all views into the site. The policy should be amended to reflect the fact that only those views which are unacceptable need to be mitigated in the way suggested [1054].

Inspector's considerations and conclusions

1.164 The MPA propose to change the wording of the policy to emphasise that it is views of the operational and working areas which need to be mitigated (PDA56 - CD.B5). The proposed change has been open to public consultation and has not attracted counter objections. In which case, I will take the proposed change into account in my consideration of the objections.

1.165 In the open countryside, quarrying can be a very visible activity. The working faces, processing areas, stock piles and areas awaiting restoration can be conspicuous features in the near and wider views over the countryside. It is a commonly held opinion that these are unsightly and, if they are permitted in an area, measures must be taken to screen them or at
least mitigate the views in some way. However, where there would be no views into a minerals site from houses, or from areas of the countryside which are used recreationally, or where the workings would not intrude significantly into views across sensitive landscape, there would be no need to screen the workings or mitigate views into them. The point is, to some degree, accepted by the Council in its response to these objections, and the proposed change is a move to recognise this.

1.166 Notwithstanding the proposed change to the policy, which would satisfy the objection made by ARC Central, I agree with Ightham Sandpits who consider the policy as worded is unreasonable. It requires restrictions to be placed on all sites without the local planning authority having to show whose interests would be harmed and how. In my view it would only be justifiable to impose restrictions if harm would be caused to interests of acknowledged importance. The policy should be reworded to state that where the operational or future working areas would be visible from residential properties or seen within areas of attractive countryside, or from areas which are used for recreation or leisure purposes, views into the site will be mitigated. The policy should be supported by an explanation of the circumstances where such mitigation would be considered necessary by the MPA.

1.167 The objectors have not proposed an alternative wording for the policy. I put forward my recommended wording for the policy and it supporting text. The suggested wording takes account of my recommendations made in relation to Appendix 4.

RECOMMENDATIONS

1.168 The SMLP be modified by:

i. The deletion of policy SMLP2(b) and its replacement by:

(b) VIEWS INTO OR OVER THE SITE FROM SENSITIVE VIEW POINTS WOULD EITHER BE MITIGATED BY THE EXISTING LANDFORM, OR BY SPECIALY CONSTRUCTED EARTH BANKS OR BY ESTABLISHING DENSE BELTS OF TREES AND SHRUBS PRIOR TO WORKING;

ii. The deletion of paragraph 2.15.1 and its replacement by:

2.15.1 Mineral workings and associated operation areas can be visually intrusive and unsightly. Where a minerals site would be overlooked from residential areas, areas of countryside which are used for recreational or leisure purposes including walking or riding, or would be prominent in views within or out from areas of attractive landscape, the minerals planning authority will usually require some form of screening or other mitigation to obscure or restrict views into the operational and future working areas of a site. The minerals planning authority has supplementary planning guidance available on general principles, including the formation of screen bunds.
SMLP2(c) Establishment of Buffer Zones

Objection Nos.  0392 Finch & Ollett Aggregates Ltd; 0611 Ightham Sandpits

Support No.  0665 Redland Aggregates Ltd

Summary of objections

1.169 i. National minerals planning guidance indicates that buffer zones may not always be the most effective solution for solving the problems that this policy claims to address. Noise, vibration and dust may be addressed by planning conditions. It is therefore considered that Policy SMLP2(c) is superfluous and should be deleted [0392].

ii. The establishment of buffer zones is the statutory responsibility of other bodies and is not the role of the planning system. The policy should be deleted as well as all reference to the control of externalities caused by mineral operations. The policy should be replaced with a one which seeks to assist the activities of the Environment Agency by promoting designs which reduce externalities and the impacts of operations [0611].

iii. The Plan provides no definition of what constitutes 'satisfactory' [0611].

Inspector’s considerations and conclusions

1.170 It is not clear what Ightham Sandpits means by "externalities caused by minerals operations". For the purposes of considering this objection, I take it to mean the off-site effect of noise, dust, vibration etc., originating from a minerals site. It is the duty of the MPA to protect the environment and the amenities of those who live nearby or who use the countryside for recreation or leisure purposes. Whereas other agencies may require buffer zones for their own areas of interest, it is proper for the MPA to require buffer zones where, taking account of any other mitigation which might also be employed, these are seen to be the most appropriate means of mitigating harm or disruption from a minerals site from a land use planning point of view. Consequently, I do not agree with the objector that it is not the responsibility of the MPA to establish buffer zones.

1.171 The objector also implies that it is only the Environment Agency which would have an interest in influencing the design of minerals sites to minimise off-site effects. In my view, the Environment Agency is only one of many agencies which have a role in this. Bearing in mind the sort of considerations discussed in paragraph 62 of MPG2 (CD.A12), I consider it would be counter-productive and inadequate to look solely to the Environment Agency to provide solutions to the off-site effects of minerals working. The role of the SMLP is to set out policies to guide developers and reassure the public that mineral working will be controlled so as to permit an adequate level of production whilst those who live in the vicinity of a minerals site or who use the countryside for recreation and leisure purposes will have their legitimate interests adequately protected. It is the role of the MPA to apply such policies, albeit based on advice and in consultation with other agencies. The effect of the objector's suggestion would be that the MPA should abrogate its own responsibilities. A policy written by the MPA and which only applied to the MPA, requiring it to liaise with
another public agency, would be introspective, of no direct relevance to land use planning, and would not be at all helpful to the public or the minerals operators.

1.172 I agree with Finch & Ollett Aggregates that a buffer zone may not always be necessary or the most appropriate or only mitigation. The MPA’s response to this objection acknowledges this. I consider a caveat should be introduced into the supporting text to cover this point.

1.173 On the final point, made by Ightham Sandpits, the objector does not offer a definition of its own for the word ‘satisfactory’. In the context of the supporting justification for this policy, as revised to take account of the above point, the ordinary or dictionary definition of the word would be sufficient to make the purpose of the policy clear and give a means of assessing whether the MPA where behaving reasonably in seeking a buffer zone.

RECOMMENDATION

1.174 The SMLP be modified by adding to the end of paragraph 2.16.1:

An assessment of the width of the buffer zone, or whether one is necessary at all, will take account of the particular circumstances on and around each site, and the effect of other measures which might be used as an alternative or in addition to a buffer zone.

SMLP2(d) Progressive Working and Reclamation

Objection Nos. 0393 Finch & Ollett Aggregates Ltd; 0546 SAGA; 1074 Atlas Aggregates Ltd

Support Nos. 1109 Suffolk Preservation Society; 1206 Environment Agency; 3030 SAGA

Summary of objections

1.175 i. Objection is raised to the use of the wording ‘including details of the operational methods to be adopted’. It is not the function of the planning system to preside over the management of operational activities but rather to have a policing role in ensuring that planning objectives are set and achieved. The above text should be deleted from the policy [0393].

ii. There may be cases where progressive working and restoration are neither feasible nor desirable. The policy should read ‘...a site where appropriate, including details...’ [0546, 1074].

Inspector’s considerations and conclusions

1.176 The MPA propose to change the wording of the policy to recognise that progressive working and reclamation are not always desirable or feasible (PDA12 - CD.B5). The
proposed change has been open to public consultation and has not attracted counter objections. In which case, I will take the proposed change into account in my consideration of the objections.

1.177 Taking the point raised by Finch & Ollett Aggregates, I accept that the MPA should not seek to unreasonably restrict the operational practices of an operator on his own site. Providing the Plan’s objectives for the protection of the environment are achieved this might be sufficient control in many cases. However, I consider that because the impact of mineral operations can be significant, and that variations in operational practices can produce different, if albeit unintentional effects, I consider it is reasonable for the MPA to consider and approve, in broad terms, the way in which the development is to proceed on each site. This would give the MPA the assurance that the environmental protection standards can be achieved, and would give both the operator and the MPA a readily recognised control standard for compliance and enforcement purposes. Consequently, I do not consider the policy should be modified to take account of this objection.

1.178 I consider the proposed change is sensible and the Plan should be modified accordingly. In which case, the conditionally withdrawn objections made by SAGA and Atlas Aggregates Ltd would be satisfied.

RECOMMENDATION

1.179 The SMLP be modified in accordance with proposed change PDA12, as set out in the schedule of post deposit amendments, CD.B5.

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**SMLP2c: Limitation on Depth of Working**

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<th>Objection Nos.</th>
<th>Support Nos.</th>
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<tbody>
<tr>
<td>0612 Ightham Sandpits; 0666 Redland Aggregates Ltd; 1208 Environment Agency</td>
<td>1020 National Farmers Union; 1110 Suffolk Preservation Society; 1207 Environment Agency</td>
</tr>
</tbody>
</table>

Summary of objections

1.180 i. There is no indication within the policy as to what constitutes ‘satisfactory’ [0612].

ii. The prevention of excavation of all minerals in a resource causes sterilisation of resources which conflicts with other policies in the Plan. It is suggested that the policy is deleted [0612].

iii. It is not clear what additional control over other plan policies, related to depth of working, the policy offers. Clarification is required or the policy deleted [0666].

iv. It is suggested that the following wording is added to paragraph 2.18.1: ‘Where the applicant is proposing to work below the water table an assessment of the potential effects
on water features should be made. This may involve carrying out a field survey identifying
the location of any water features within the predicted radial influence of the site.’ [1208].

iv. A further paragraph should be added to the supporting text to explain, if
dewatering is proposed, the applicant’s obligations under the Water Resources Act 1991 and
the Anglian Water Act 1977 [1208].

Inspector’s considerations and conclusions

1.181 The wish to control the depth of working for its own sake is hard to understand.
Whereas I consider the policy may not be in conflict with other policies in the Plan, I agree
with Ightham Sandpits that as an objective in itself it would be unreasonable to prevent the
extraction of all the material in a site. There may be, of course other reasons which would
justify a limitation on the depth of working which, as pointed out by Redland Aggregates
Ltd., are covered elsewhere in the Plan.

1.182 Policy SMLP1(g) deals with the protection of groundwater and hence I agree with the
MPA that the suggestion made by Environment Agency for further policy coverage on this
topic under SMLP2(e) is unnecessary. By the same token, I agree with Redland Aggregates
Ltd that it is superfluous for SMLP2(e) to refer to the protection of water resources.

1.183 Restoration is covered by policy SMLP4, particularly SMLP4(k) which provides that
planning permission will be granted where satisfactory proposals are made for restoration of
the site to an appropriate after use. That is, permission for working will not be granted
unless the application includes at least a broad indication of how the site can be restored;
for example, by backfilling with imported material, leaving it at a lower level, or as a water
filled working. If, by working to too great a depth, the site cannot be restored to a condition
to support a use which is considered appropriate by the MPA, then this will provide the
rationale for limiting the depth of working. In my view, SMLP2(e) adds nothing to the
range of considerations to be applied to an application for planning permission, and it should
be deleted from the Plan.

1.184 As it is my view that what would represent a satisfactory depth of working is
conditioned by other policies of the Plan, and that this policy should be deleted, there is no
need to give further consideration to the point raised by Ightham Sandpits regarding a
definition of the word ‘satisfactory’.

1.185 The MPA’s responses do not address the second of the objections raised by
Environment Agency. This seeks to add an informative paragraph to the reasoned
justification. In my view, this does nothing to explain the purpose of the policy and simply
restates a requirement of other legislation. It is not the role of a local plan to reiterate or
refer to other statutory controls. I consider the suggested paragraph should not be added to
the Plan.

RECOMMENDATIONS

1.186 i. The SMLP be modified by the deletion of policy SMLP2(e) and paragraph 2.18.1

ii. Subsequent policies be renumbered sequentially after SMLP2(e) and paragraphs
renumbered sequentially after 2.17.1.
Objection No. 0613 Ightham Sandpits
Support No. 1021 National Farmers Union

Summary of objection

1.187  i. There is no indication of what constitutes ‘satisfactory’.

ii. The planning system should not replicate any duties of the other responsible bodies, the control of pollution such as dust, smoke and fumes is the responsibility of the Environment Agency. The policy should be deleted.

Inspector’s considerations and conclusions

1.188 Whereas control of pollution is the responsibility of other agencies, not just the Environment Agency, the planning system exists to protect amenity. There is a degree of overlap where a level of pollution may not be so great as to constitute a statutory nuisance in terms of pollution control legislation, but it would be considered bad enough to unreasonably detract from or interfere with the amenities of those who live or work nearby. Paragraph 86 of MPG2 (CD.A12) points out that statutory powers of control may not exist to cover every situation or may not be applied effectively. Therefore I consider it is appropriate for the SMLP to include a policy which requires consideration be given to measures to control dust, smoke and fumes.

1.189 The assessment of an effect on amenity is largely subjective. Whether the measures proposed are satisfactory would be a matter for professional judgement, taking into account the experience accumulated within the MPA on what might reasonably give rise for complaint, what statutory controls exist and how far any matters not covered by other legislation may be covered and controlled by the terms of the application or through the imposition of planning conditions.

RECOMMENDATION

1.190 No modifications be made to the SMLP in response to this objection.
Summary of objections

1.191 i. The operational means by which maximum noise limits are controlled is not a legitimate function of the planning system. Where appropriate, noise limits are imposed by planning condition; the submission of proposals to meet such limits as part of the planning application is clearly premature. The policy should be deleted [0394].

ii. The supporting text should require operations to cease if planning conditions are broken [0426].

iii. The supporting text should require all plant and equipment to be fitted with appropriate suppressors [0426].

iv. The supporting text should require the developer to install and maintain noise monitoring equipment [0426].

v. There is no indication of what constitutes 'satisfactory'[0614].

vi. The control of noise pollution is the responsibility of the Environment Agency. The policy should be deleted or deleted and replaced with a policy that seeks to assist the activities of the Environment Agency by seeking to promote site designs and operating methods that reduce noise pollution [0614].

Inspector's considerations and conclusions

1.192 MPG11 (CD.A20) gives comprehensive advice to MPAs on the relevance of noise control when considering application for planning permission. Paragraph 10 of MPG 11 specifically advises mineral operators to bring forward proposals for the control of noise when making applications. Therefore I do not agree with either Finch & Ollett Aggregates Ltd or Ightham Sandpits that noise is not a proper matter for the MPA to take into consideration at application stage.

1.193 The purpose of the SMLP is to set out policies to guide developers and reassure the public that mineral working will be controlled so as to permit an adequate level of production whilst the amenities of those who live in the vicinity of a minerals site or who use the countryside for recreation and leisure purposes will have their legitimate interests adequately protected. It is the role of the MPA to apply such policies, albeit based on advice and in consultation with other agencies. Ightham Sandpits seems to suggest that the MPA should abrogate its own responsibilities. A policy which said no more than the MPA would liaise with another public agency would be introspective, of no direct relevance to land use planning, and would not be at all helpful to the public or the minerals operators.

1.194 Dealing with the first of the points raised by J A McAdam, it may be that not all planning permissions will have noise control conditions attached to them; they would be unnecessary where the operations were quiet, or where it was considered that there would be no harm to amenity if the noise was uncontrolled. MPG11, augmented by BS4142, give adequate guidance to the MPA in the evaluation of background noise levels and what sort of changes are likely to be considered unacceptable. This was accepted by the objector at the inquiry. These controls can be embodied in planning conditions where it is seen to be necessary or appropriate.
1.195 There are adequate powers available to an MPA to enforce compliance with planning conditions. The Planning and Compensation Act 1991 introduced powers to serve a "breach of condition notice", or to apply for an injunction to restrain any actual or expected breach of planning control. The penalties for failure to comply with an enforcement notice include fines, and a provision to have regard to any financial benefit which might have accrued in consequence of the offence. At the inquiry, for the MPA it was said that sites are monitored for compliance but, even if this did not pick up a breach of condition, it is open to members of the public to notify the MPA of a particularly noisy activity and for it to be actively investigated at that time, bearing in mind the advice and guidance of MPG11. Consequently, I do not consider it is necessary for the SMLP to duplicate a measure which already exists under planning legislation.

1.196 Similarly, on the second point raised by J A McAdam it may not be necessary for all plant and equipment to be fitted with noise suppressors. This should be a matter for judgement at the time the particular plant is introduced, taking into account noise control levels set in planning conditions where these are attached to a planning permission. If the operator can comply with the noise control conditions without fitting suppressors it would be unreasonable to require him to fit them. I do not consider the SMLP should include a blanket requirement to fit and maintain noise suppression equipment.

1.197 Where conditions to control noise are attached to a planning permission, these may include the requirement to install and maintain monitoring equipment at noise sensitive locations or their equivalent around the site boundary. However, this is a matter which is best considered as part of the regime of planning conditions, in that these can be tailored to the circumstances of each site, as appropriate. I do not agree with J A McAdam that a blanket requirement in the SMLP is necessary or appropriate.

1.198 Ightham Sandpits does not put forward a preferred definition of 'satisfactory'. The assessment of an effect on amenity is largely subjective, although there is detailed guidance in MPG11 on how to measure and monitor noise, what degree of change is likely to stimulate complaints, and what measures may be used to suppress or mitigate the effect of noise. Whether the measures proposed by an applicant are satisfactory would be a matter for professional judgement, guided by the advice in the MPG and other relevant published guidance. In this context, I consider the ordinary or dictionary definition of the word would be adequate to convey an understanding of the purpose of this policy.

**RECOMMENDATION**

1.199 No modifications be made to the SMLP in response to these objections.

### SMLP2(b) Siting and Design of Processing Plant, Machinery and Associated Buildings

| Objection No. | 0615 Ightham Sandpits |
Summary of objection

1.200  i. There is no indication of what constitutes ‘satisfactory’.

   ii. Other forms of industry operate without screening of processing plant, machinery and associated buildings. This policy would only be acceptable if all other forms of industry has similar restrictions imposed upon them. The policy should be deleted.

Inspector’s considerations and conclusions

1.201 I agree with the objector, that the policy as worded assumes that plant and buildings etc on a minerals site would always be visually intrusive. This may not be so and, in which case, the policy could place an unfair burden on the industry. The reasoned justification for the policy should be revised to indicate that such requirements will only be necessary where the site, or any equipment on it, would be unacceptably conspicuous in the landscape.

1.202 Having regard to the above considerations, I consider that no further definition of the word ‘satisfactory’ is necessary. The assessment of the effect on amenity is subjective, and the application of this policy will rely upon professional judgement, guided by accumulated experience within the MPA. Within this context, the ordinary or dictionary definition of the word should be sufficient to adequately convey the purpose of the policy.

RECOMMENDATION

1.203 The SMLP be modified by adding to the end of paragraph 2.21.1:

   ... where plant, buildings or other equipment would otherwise appear unacceptably conspicuous or obtrusive.

Objection Nos. 0395 Finch & Ollett Aggregates Ltd; 0616 Ightham Sandpits

Summary of objections

1.204  i. Paragraph 2.22.1 states that, where appropriate, a restriction will be placed upon the extent and height of stockpiles. The use of the word ‘appropriate’ makes this policy superfluous and it should be deleted [0395].

   ii. There is no indication of what constitutes ‘satisfactory’.

   iii. Other forms of industry operate without screening of stock areas. This policy would only be acceptable if all other forms of industry are similarly restricted in the siting of their operations. It is suggested that the policy be deleted [0616].
Inspector's considerations and conclusions

1.205 My consideration of the second point made by Ightham Sandpits is similar to those for Policy SMLP2(h); that is, the policy as worded assumes that all stockpiles will be an eyesore. The policy would place an unfair restriction on the minerals industry if measures to screen or hide stockpiles, or to locate them in particular parts of the site, were unwarranted in terms of landscape impact. The reasoned justification for the policy should be reworded to indicate that such measures would only be necessary where stockpiles would be unacceptably conspicuous or obtrusive.

1.206 If the policy were reworded to take account of the above objection, then the words 'where appropriate' would be necessary to explain the purpose of the policy. Therefore I do not agree with Finch & Ollett Aggregates Ltd that the phrase makes the policy superfluous. Similarly, dealing with the first of the points made by Ightham Sandpits, having regard to the above considerations, I consider that no further definition of the word 'satisfactory' is necessary. The assessment of the effect on amenity is subjective, and the application of this policy will rely upon professional judgement, guided by accumulated experience within the MPA.

RECOMMENDATION

1.207 The SMLP be modified by adding to the end of paragraph 2.22.1:

... where these would otherwise appear unacceptably conspicuous or obtrusive.

Objection Nos. 0617 Ightham Sandpits; 0667 Redland Aggregates Ltd; 0703 BACMI; 1055 ARC Central; 1168 The Oil and Pipelines Agency; 1344 Tarmac Quarry Products (Southern) Ltd

Counter objection No. 3014 D K Symes Associates

Support Nos. 1112 Suffolk Preservation Society; 1179 Railtrack Plc

Summary of objections

1.208 i. There is no indication of what constitutes "satisfactory" [0617].

ii. It is not the purpose of the planning system to become involved with neighbourhood disputes between adjacent landowners. The policy should be deleted [0617].

iii. The protection of infrastructure and services is covered by other legislation. The policy is therefore superfluous and should be deleted [0667, 1344].
iv. This policy is covered by other legislation and it would be against Government advice to have such a duplication of control. It would, moreover, if retained, reduce an operator’s rights to compensation from statutory undertakers. It should be deleted [0703].

v. The legal rights for the physical support of highways, railways, waterways, pipelines, cables and other services and infrastructure is dealt with under normal Land Law. The support of such infrastructure in relation to a planning application for mineral extraction is not relevant. The policy should be deleted [1055].

vi. It is requested that the following wording be added to the policy between pipelines and cables (line 3) ‘...installations and ancillary apparatus...’ [1168].

vii. The proposed amendment (PDA13) places too great a protection on services in relation to mineral working. All services are covered by their own separate legislation to provide full protection for the service operator [3014].

Inspector’s considerations and conclusions

1.209 The MPA propose to change the wording of the policy to extend its coverage to include installations and ancillary apparatus (PDA13 - CD.B5). It is also proposed to change the supporting text in paragraph 2.23.1 to clarify that the policy will not affect statutory rights under other legislation (PDA70 - CD.B24). Both of the proposed changes have been open to public consultation. One counter objection has been lodged. I will take the proposed changes into account in my consideration of the objections.

1.210 The burden of the objections made by Ightham Sandpits, Redland Aggregates Ltd, BACMI, ARC Central, Tarmac Quarry Products (Southern) Ltd and D K Symes Associates is that the protection of pipelines, railways, etc., is covered by other legislation and, apart from needless duplication, there is a risk that the policy could jeopardise compensation rights. PDA70 explains that the policy is not intended to duplicate other legislation and that it does not affect statutory development rights. On this last point, although the objector has not responded to the proposed change, I am content that the counter objection from D K Symes to PDA13 would be satisfied.

1.211 Paragraph 122 of MPG2 (CD.A12) explains that whereas there is other legislation to safeguard services from subsidence from mineral workings, and advises that planning powers may sometimes be necessary to ensure proper and full protection is available. PDA70 explains the limited scope of this policy, and advises that its main purpose is to facilitate consultation. I do not consider that it is necessary to include a policy simply to facilitate consultation, this could take place without a policy in the Plan. However, I consider the policy is a necessary safeguard in the event of circumstances being discovered where the protection afforded by other legislation is not sufficient and planning powers are required. Consequently, I do not agree with the objectors that the policy is superfluous and should be deleted. I consider that the policy, as amended by PDA13, should be included as a modification to the Plan. In which case, the conditionally withdrawn objection made by BACMI would be satisfied.

1.212 PDA13 extends the coverage of the policy as requested by The Oil and Pipelines Agency. As I support the inclusion of PDA13, this conditionally withdrawn objection is also satisfied.
1.213 **Ightham Sandpits** do not suggest a definition for the word 'satisfactory' under this policy. The explanatory text, paragraph 2.23.1, as proposed to be changed, explains that the policy will be used mainly in a consultative capacity. Whether a proposal is satisfactory or not will therefore depend upon the responses of the consultees. In this context I consider the ordinary or dictionary definition of the word would be sufficient and no further definition is needed.

**RECOMMENDATIONS**

1.214  i. Policy SMLP2(j) be modified in accordance with proposed change PDA13, as set out in the schedule of post deposit amendments, CD.B5.

   ii. Paragraph 2.23.1 be modified in accordance with proposed change PDA70, as set out in the schedule of proposed changes, CD.B24.

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**SMLP2(j) Measures to Prevent Mud and Other Debris Being Carried out onto the Public Highway**

Objection Nos. 0396 Finch & Ollett Aggregates Ltd; 0427 J A McAdam

Counter objection No. 3021 SAGA

Summary of objections

1.215  i. A planning condition is used by the MPA in respect of all permissions for mineral extraction. The policy is therefore superfluous and should be deleted [0396].

   ii. The following wording should be added to paragraph 2.24.1 'It should be a condition that operations involving the use of the public highway that loads carried shall be covered' [0427].

   iii. The blanket requirement for lorry sheeting should be changed through the insertion of ‘where necessary’ at the beginning of the sentence [3021].

Inspector's considerations and conclusions

1.216 The MPA propose to change the wording of the supporting text in paragraph 2.24.1 to include mention of the possibility of the requirement to sheet loads. This is introduced by PDA14 (CD.B5), which has been superseded by PDA71 (CD.B24). Both of the proposed changes have been open to public consultation and neither have attracted counter objections. Consequently, I will take PDA71 into account in my consideration of the objections.

1.217 I do not agree with Finch & Ollett Aggregates Ltd that the policy is superfluous. It deals with a matter of considerable concern to those living in the vicinity of a minerals site, or who live in settlements which quarry lorries regularly travel through. It is entirely reasonable to use the SMLP to notify developers that this is a matter which will be taken into consideration at application stage, and to reassure the public that it is a matter which the
MPA is prepared to act upon where it is considered necessary. The proposed change clarifies that the sheeting of lorries may not be necessary in all instances. I agree that the proposed change should be included in the supporting text. In which case, the conditionally withdrawn objections made by J A McAdam and SAGA would be satisfied.

RECOMMENDATION

1.218 The SMLP be modified in accordance with proposed change PDA71, as set out in the schedule of post deposit amendments, CD.B24.

**SMLP20: Use of Legal Obligations**

Objection Nos. 0397 Finch & Ollett Aggregates Ltd; 0668 Redland Aggregates Ltd; 0704 BACMI; 1056 ARC Central; 1345 Tarmac Quarry Products (Southern) Ltd

Summary of objections

1.219 i. Whether or not an applicant chooses to enter into a S106 agreement is not a matter for regulation by the policies of a Mineral Local Plan, and thus the policy should be deleted [0397, 0668, 0704].

ii. The policy should identify those circumstances in which the Mineral Planning Authority may seek to enter into a legal agreement, the policy should be amended accordingly [0668].

iii. Any reference to legal obligations / agreements should be in the context of seeking such arrangements [0704].

iv. This policy does not accurately reflect planning guidance and is drafted far too loosely. The policy should be amended to reflect more accurately the circumstances for use and restriction on the use of legal agreements [1056].

v. Agreements are entered into with the County Council on a voluntary basis whereby the developer may agree to undertake additional works which cannot be suitably covered by planning conditions. The following wording should be inserted; ‘voluntary’ before the words ‘enter into a legal obligation’ and ‘the County Council will seek to enter a legal obligation with the applicant’ added at the end [1345].

Inspector’s consideration and conclusions

1.220 In response to these objections, the MPA propose to change the wording of the policy to clarify that such obligations are voluntarily entered into (PDA66 - CD.B24). It is also proposed to change the supporting text in paragraph 2.25.1 to offer an example of the sort of situation where an obligation may be required (PDA15 - CD.B5). Both of the proposed changes have been open to public consultation. No counter objections have been lodged and therefore I will take the proposed changes into account in my consideration of the objections.
1.221 The burden of all the objections to this policy is that the SMLP cannot require developers to enter into legal obligations; these can only be voluntary, either as agreements or as unilateral undertakings. It is inappropriate for the policy to require an obligation to be concluded. Proposed change PDA66 addresses these concerns by introducing the word 'voluntarily'. If this is included in the policy the further additional wording sought by Tarmac Quarry Products (Southern) Ltd would not, in my opinion, add anything to the policy's requirements.

1.222 I consider PDA66 is a sensible change which should be included in the Plan. It more accurately conveys the ways in which Section 106 obligations are secured and used, yet it also retains the necessary assurances for the general public that, with out such additional safeguards, the MPA is able to refuse planning permission if an application raises concerns which cannot be controlled by planning conditions alone. The proposed change to the supporting text (PDA15) should also be included in the Plan.

1.223 ARC Central have responded to the proposed changes. I do not agree that the wording of the policy as proposed to be changed reads awkwardly with the general opening statement for SMLP2. Whereas a separate policy on Section 106 agreements could be included, the objector does not propose the text of an alternative policy, and I do not consider one is necessary. BACMI do offer the wording for an alternative policy. Although the formulation of the policy with the opening statement plus numerous criteria is a little cumbersome, I do not consider the offered alternative gives such a degree of clarity over the proposed changes that it justifies the wholesale restructuring of the policy. Notwithstanding these reservations, I consider the objections would be adequately met by the proposed changes.

RECOMMENDATIONS

1.224 i. Policy SMLP2(i) be modified in accordance with proposed change PDA66, as set out in the schedule of post deposit amendments, CD.B24.

ii. Paragraph 2.25.1 be modified in accordance with proposed change PDA15, as set out in the schedule of post deposit amendments, CD.B5.

| Objection Nos. | 0547 SAGA; 0619 Ightham Sandpits; 0571 Brett Gravel Ltd; 0669 Redland Aggregates Ltd; 0705 BACMI; 1057 ARC Central; 1346 Tarmac Quarry Products (Southern) Ltd; |
| Support No. | 1113 Suffolk Preservation Society |

Summary of objections

1.225 i. The operator is best placed to judge the working programme of a site and this policy should be deleted, or alternatively the words 'where the amenity of neighbouring residents may be harmed' should be added to the end of the policy [0547].
ii. There is no indication of what constitutes ‘satisfactory’.

iii. Other forms of industry operate without reference to limits on output with respect to travelling along public highways. This policy would only be acceptable if all other forms of industry are similarly restricted with respect to rates of output. It is suggested that the policy be deleted [0619].

iv. It is not the norm to control the rate of working at a quarry. Other than in particular circumstances, the level of output does not have significant environmental consequences. The policy should be deleted and the matter dealt with on a site-by-site basis [0705].

v. The amenity of residents living along the routes to be taken by quarry traffic is one example where the vehicular traffic emanating from a site may have an effect. Although this is quoted in the text of Paragraph 2.26.1 as being the reason for including SMLP2(m) the policy itself, as drafted, does not refer to this particular environmental aspect. The policy should be rewritten to give effect to the County Council’s reasoning for its inclusion [1057].

vi. The subject of this policy is not a planning matter and the policy should be deleted 5 [1346].

vii. It is not clear what exactly the policy intends to control, the rate of working (extraction), plant production or vehicle movements. Clarification is required [0669].

Inspector’s considerations and conclusions

1.226 In response to these objections, the MPA propose to change the wording of the policy to clarify that such controls are not regarded as necessary in every case (PDA57 - CD.B5). It is also proposed to change the supporting text in paragraph 2.26.1 to indicate that the matter for concern would be the rate of production, rather than overall tonnage (PDA16 - CD.B5). Both of the proposed changes have been open to public consultation and have not attracted counter objections. In which case, I will take the proposed changes into account in my consideration of the objections.

1.227 The MPA is concerned that whereas there are no objections to quarrying on a site itself, or to landscape or environmental interests, in some circumstances the amount of traffic generated by a quarry can be unreasonably disturbing to local residents. The policy is portrayed as a means for the MPA to control the amount of traffic leaving a quarry. The same concern is discussed at paragraph 83 of MPG2 (CD A.12), where it is recognised that this is a matter where it may be appropriate for the MPA impose controls of some kind. Therefore, I do not agree with Tarmac Quarry Products (Southern) Ltd that this is not a planning matter. Similarly, whereas Ightham Sandpits may be correct in saying that such controls are not applied to other industries, clearly the Government advice is that it may be appropriate for the quarrying industry. In which case, it is acceptable for the SMLP to

5 The objector’s submissions refer to this as part of Policy SMLP1, but I have taken it to actually refer to SMLP2(m).
include a policy on this point, both as guidance to developers and as reassurance to local residents.

1.228 The principle of control is seemingly acknowledged and accepted by Brett Gravel Ltd, SAGA, BACMI, and ARC Central; but they would like the policy to include a clearer justification. PDA16 offers some further explanation, but I agree with SAGA that it should go further and state that the controls should only be considered where there would be an adverse impact on the amenities of local residents. PDA16 would have satisfied the conditionally withdrawn objections made by ARC Central. At the inquiry BACMI agreed with SAGA’s view. I consider the suggestion made by SAGA should be incorporated into the Plan, although not in the wording of the policy itself. I consider this should also satisfy Brett Gravel Ltd and ARC Central.

1.229 PDA16 makes it clear that it is the rate of production which will be taken as the control criteria. I consider this is a necessary clarification and should be included in the Plan. Therefore the conditionally withdrawn objection made by Redland Aggregates Ltd would be satisfied.

1.230 Ightham Sandpits do not suggest a definition for the word ‘satisfactory’ under this policy. The explanatory text, paragraph 2.26.1, as proposed to be changed, together with the further amendment discussed above, explains the circumstances where application of controls would be appropriate. The consideration of amenity issues is largely subjective and hence will be a matter for professional judgement, based on cumulative experience within the MPA. In this context I consider the ordinary or dictionary definition of the word would be sufficient and no further definition is needed.

1.231 Because PDA57 specifically ties the policy into controlling vehicle movements, I consider it is inappropriate for the supporting text only to refer to this as an example. I consider the supporting text should be further revised to follow the wording of the policy more closely.

RECOMMENDATIONS

1.232 i. The SMLP be modified in accordance with proposed change PDA57, as set out in the schedule of post deposit amendments, CD.B5.

   ii. Paragraph 2.26.1 be deleted and replaced by:

2.26.1 The rate of production at a site may have an adverse impact upon the amenity of local residents, the most likely effect being unacceptably high volumes of quarry traffic causing disturbance to residents living along the route leading to and from a site. The potential for disturbance of this kind will be assessed by the mineral planning authority and an appropriate condition may be attached to a planning permission where this is considered necessary.
Objection Nos. 0620 Ightham Sandpits; 0670 Redland Aggregates Ltd; 1058 ARC Central; 1347 Tarmac Quarry Products (Southern) Ltd

Support No. 1114 Suffolk Preservation Society

Summary of objections

1.233 i. There is no indication of what constitutes ‘satisfactory’ [0620].

ii. It is not the purpose of the planning system to become involved with neighbourhood disputes between adjacent landowners. The granting of a wayleave by a landowner to an utility and the implications for the protection of the stability of a landowner’s boundary is a matter of concern to the interested landowners only. The policy should be deleted [0620].

iii. The policy duplicates other legislation and is therefore superfluous and should be deleted [0670].

iv. It is a well known and generally accepted principle in law that land does not have the right of support from water. Paragraph 2.27.1 suggests that operators must ensure that the surrounding land is not subsided by the removal or by the dewatering operations at a site. This is in complete conflict with a well established rule of law and should be removed [1058].

v. The stability of adjoining land to mineral workings is adequately covered at common law and supplemented by statutory provisions such as the Mining Code. The policy should be deleted [1347].

Inspector’s considerations and conclusions

1.234 Paragraphs 122-129 of MPG2 (CD.A12) discuss the relationship between planning controls and other legislation relating to subsidence and support. Paragraph 125 advises that there is scope for planning controls in that the other statutory measures may not be sufficient. This is seen to be relevant in areas of both underground mining and surface working paragraph 127). It also advises that planning powers may be needed to protect land needed for future development, which may not be covered by other legislation. Consequently, I do not agree with the objectors that there is no need for a policy of this kind, and I do not consider that it duplicates other legislation. However, the explanatory text should state that it is the consequences of subsidence on surrounding land and land uses which are of concern to the MPA, not subsidence per se.

1.235 Ightham Sandpits do not suggest a definition for the word ‘satisfactory’ under this policy. The explanatory text, paragraph 2.27.1, if amended as discussed above, would

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*The word ‘not’ does not appear in the objector’s case, but this is assumed to be an omission.*
explain the concerns of the MPA, albeit in vague terms. However, because each site will present its own range of on-site and off-site considerations, it is my view that the policy cannot be more precise. The consideration of such matters will be a matter for professional judgement, based on cumulative experience within the MPA and, if necessary, consultation with expert engineers. In this context I consider the ordinary or dictionary definition of the word would be sufficient and no further definition is needed.

RECOMMENDATION

1.236 The SMLP be modified by the deletion of paragraph 2.27.1 and its replacement by:

2.27.1 Consideration will need to be given to the possibility of subsidence, either as a direct result of the removal of material or as a result of dewatering. Where it is considered that this would give rise to unacceptable consequences for surrounding land uses, either existing or proposed, the mineral planning authority will require adequate safeguards to be included in the scheme of working, which may include stand-off margins, alternative methods of extraction, or physical support at the margins of a site.

| SMLP2(a) The Design, Installation, Maintenance and Use of Flood Lighting |
|-----------------------------|------------------|-------------------------|
| Objection Nos. | 0398 Finch & Ollett; 0671 Redland Aggregates Ltd; 0621 Ightham Sandpits |
| Support No.  | 1115 Suffolk Preservation Society |

Summary of objections

1.237 i. The policy assumes that floodlighting will be installed. The following wording should be inserted ‘Where proposed...' before ‘Satisfactory proposals....’ [0398].

   ii. The policy should only relate to the impacts of floodlighting on adjacent land uses and not installation and maintenance. The policy should be amended accordingly [0671].

   iii. There is no indication of what constitutes ‘satisfactory’ [0621].

   iv. Other forms of industry operate without reference to the controlling of lighting. The policy would only be acceptable if all other forms of industry are similarly restricted with lighting provision. It is suggested that the policy be deleted [0621].

Inspector’s considerations and conclusions

1.238 Mineral operations are, in the majority of cases, located in rural areas where they can be visually intrusive to an unacceptable degree. Other policies in the SMLP are designed to examine the visual impact of sites, plant and other installations, to ensure that the site is either successfully screened or at least the visual impact is mitigated to some degree. However, screening etc., on its own may not be sufficient to mitigate the disturbance which
may be caused during hours of darkness by on-site lighting spilling out of the site and into the countryside or shining into houses in the surrounding area. I consider this is a proper planning interest and I do not agree with Ightham Sandpits that such considerations would not be applied to other forms of development in similar locations.

1.239 However, I sympathise with the views expressed by Finch & Ollett Aggregates and Redland Aggregates Ltd, and consider that the reasoned justification for the policy should be revised accordingly. If floodlighting is not positively required for a land use planning purpose, the maintenance of any lighting installed at a site for operational purposes should only be the concern of the operator. Amenity interests should be adequately protected by consideration of the design and use of the lighting, controlled, where necessary, by planning conditions.

1.240 Ightham Sandpits do not suggest a definition for the word ‘satisfactory’ under this policy. The explanatory text, paragraph 2.28.1, if amended as recommended below, would explain the concerns of the MPA. The consideration of such concerns will be a matter for professional judgement, based on cumulative experience within the MPA. In this context I consider the ordinary or dictionary definition of the word would be sufficient and no further definition is needed.

RECOMMENDATION

1.241 The SMLP be modified by the deletion of paragraph 2.28.1 and its replacement by:

2.28.1 Where it is proposed to install floodlights at a quarry or other mineral installation for security and operational safety reasons, the design and installation and use of the lighting should take into account residential and rural amenity. Where necessary, conditions will be attached to a planning permission to control the height of luminaires, the spread of light and the hours during which lighting is used.

Objection Nos. 1018 National Farmers Union; 1059 ARC Central; 1116 Suffolk Preservation Society; 1167 The Oil & Pipelines Agency; 1180 Railtrack Plc

Summary of objections

1.242 i. The sugar beet disease, Rhizomania, is prevalent in some areas of the County and tends to be present on light sandy soils which in some cases will be identified for sand and gravel extraction. Every effort should be taken to avoid the spread of the disease. This Policy should rely on any views expressed by MAFF and ensure that sufficient safeguards and controls to check the spread of the disease are met to the satisfaction of MAFF [1018].

ii. In order to provide a degree of consistency between the SMLP policies and the wording of that of the Suffolk Structure Plan, the policy should be worded to read: ‘when
considering planning applications for mineral working and associated development the County
Council will not normally grant permission unless..‘ [1059].

iii. A policy should be included which encourages the use of alternative means of
transporting materials to and from the site, especially the use of rail freight [1116, 1180].

iv. A policy is required which protects underground pipelines from the adverse
effects of the concentration of heavy vehicle movements around mineral sites. The new
Policy should be inserted as Policy (e) to read: ‘Such highway improvements shall also
ensure the protection of underground services including oil pipelines’ [1167].

Inspector’s considerations and conclusions

1.243 I agree with ARC Central that, where possible, there should be consistency between
the development plan policies. However, with the introduction of Section 54A of the Town
and Country Planning Act 1990, application and interpretation of development control
policies should be clear. The word ‘normally’ implies that there are other, unspecified,
circumstances where planning permission may be granted and still be in accordance with the
policy. This would be misleading and not convey the confidence expected of the
development plan system. If material considerations justify granting planning permission
contrary to the policy Section 54A makes provision for this. By definition, exceptional
circumstances, whatever they may be, cannot be framed as part of the policy. Therefore,
the Plan should not be revised to incorporate the wording suggested by the objector.
Furthermore, for the same reasons explained under my consideration of the general statement
relating to Policy SMLP1, I also consider the word ‘only’ should be omitted from the
wording of the policy.

1.244 The objection made by The Oil & Pipelines Agency has been conditionally
withdrawn, subject to the Plan being modified in accordance with PDA13. In view of the
fact that I support this proposed change, this objection has been satisfied.

1.245 Suffolk Preservation Society and Railtrack both look for the Plan to support
alternative means of transport for minerals. The development plan for the County comprises
the relevant local plans, including the SMLP, together with the SCSP (CD.B1). There are
policies in the SCSP which already support and encourage alternative means of transporting
minerals, including rail transport. I do not think it is necessary or appropriate for the SMLP
to repeat policies of another development plan document. Consequently, I do not support
these objections.

1.246 Dealing with the point made by the National Farmers Union, the Council propose
to include a new policy, SMLP3(e), to cover consideration of rhizomania. I consider the
proposed new policy below, where I deal with this objection in detail.

RECOMMENDATION

1.247 Policy SMLP3 be modified by omitting the word ‘only’ from the preliminary
statement.
Objection Nos. 0622 Ightham Sandpits; 0672 Redland Aggregates Ltd

Counter objection No. 3004 English Heritage

Summary of objections

1.248 i. There is no indication of what is ‘acceptable’.

   ii. The decision to use conveyors, highways or highways vehicles is a matter for the operator to decide within the parameters of environmental protection, that is properly the responsibility of bodies charged with that function in conjunction with their own operating policy and capital assets. The policy should be deleted [0622].

   iii. The use of the word ‘acceptable’ does not provide an appropriate test. The policy should be amended to include the wording; ‘...proposals for transportation of mineral from the working face do not have significant adverse environmental effects’ [0672].

   iv. The proposed change (PDA18), and in particular the use of the word ‘significant’, represents an unacceptable weakening of the policy. The word ‘significant’ should be omitted. In the case of Conservation Areas and Listed Buildings this would be inconsistent with the duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, as a general principle, PPG12 para 6.1 envisages that environmental ‘improvement’ should be plan-led [3004].

Inspector’s considerations and conclusions

1.249 The MPA propose to change the policy: firstly PDA18 (CD.B5) was proposed, which has been superseded by PDA72 (CD.B24). There has been one counter objection to PDA18. I will take the proposed changes into account in considering these objections.

1.250 Taking firstly the counter objection lodged by English Heritage, this concerns the inclusion of the word ‘significant’ in that it would contravene statutory duties in respect of listed buildings and conservation areas. The objector does not explain how transporting minerals within a quarry could have a bearing upon either of these. However, PDA72 removes the word ‘significant’. The objector has not commented upon this further proposed change, but I consider it fully meets the counter objection to PDA18.

1.251 Redland Aggregates Ltd indicate that their objection has been met by PDA72. However, the focus of the objection was to the use of the word ‘acceptable’, and PDA72 omits it. I consider the revised wording in PDA72 is entirely appropriate and the Plan should be modified accordingly. In which case, I consider the conditionally withdrawn objection from Redland Aggregates Ltd is, in fact, satisfied by PDA72. I consider no further amendments are needed to meet the counter objection from English Heritage. This would also meet the first point made by Ightham Sandpits.
1.252 Turning to the second point made by Ightham Sandpits, the objector does not argue that the policy addresses matters which are not a legitimate concern for a MPA. There are, of course, other policies in the SMLP to control noise, dust and other potential environmental impacts of mineral working. In which case, this proposed policy may be superfluous in that the matters for concern are already covered. However, I do not consider it would be an unreasonable constraint for the MPA to consider and approve the means of internal haulage of extracted material; it is an integral part of the quarrying operation to be considered by the MPA as part of an application.

1.253 The developer would have to install a system which met the other control criteria of the Plan to be granted a planning permission; I consider it a pragmatic measure for this to be considered and approved by the MPA prior to it being installed. The alternative could lead to the MPA regularly re-visiting the site to check the degree of environmental damage and requiring the operator to alter his practices accordingly. Without having a firm approval for a particular system as part of a planning permission it might unreasonably expose the operator to a form of 'ratcheting up' of environmental controls should the MPA decided to adopt ever more stringent standards over the passage of years. This would not offer the degree of certainty and continuity which an operator should reasonably expect. I do not consider the policy should be deleted.

RECOMMENDATION

1.254 The SMLP be modified in accordance with proposed change PDA72, as set out in the schedule of post deposit amendments, CD.B24.

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Objection Nos. 0623 Ightham Sandpits; 1060 ARC Central
Support No. 1117 Suffolk Preservation Society

Summary of objections

1.255 i. There is no indication of what is 'satisfactory'. A definition of what is 'satisfactory' should be included [0623].

   ii. This policy should reflect the need for routing agreements only where appropriate. The policy should be reworded to reflect that specification of traffic routes should only be required where appropriate and necessary [1060].

Inspector's considerations and conclusions

1.256 The MPA propose to change the policy by the addition of an 's' to the end of the last word of the policy (PDA93). The proposed change has not been open to formal public consultation, but it has been available as one of the inquiry core documents (CD.B28). There have been no adverse comments made to the proposed change. In view of this and
the fact that it is a very minor adjustment, I propose to take it into account in my consideration of these objections.

1.257 I agree with the MPA, that the policy does not address the need for routing agreements, but simply raises the need to appraise the suitability of the site access and the roads leading to it to carry the anticipated traffic. Consequently, I consider no further changes are necessary to deal with the objection from ARC Central.

1.258 Ightham Sandpits do not suggest a definition for the word ‘satisfactory’ under this policy. The explanatory text, paragraph 2.30.1 explains the scope of this policy. The consideration of such concerns will be a matter for professional judgement, based on cumulative experience within the MPA, probably in consultation with the highway authority. In this context I consider the ordinary or dictionary definition of the word would be sufficient and beyond this no “exacting and comprehensible” definition is needed.

1.259 In my view, the MPA’s proposed change is uncontroversial and does not prejudice anyone’s interests. Consequently, I consider the Plan should be modified accordingly.

RECOMMENDATION

1.260 The SMLP be modified in accordance with proposed change PDA93, as set out in the schedule of post deposit amendments, CD.B28.

SMLP3(j) Lorry Routings

Objection No. 0624 Ightham Sandpits
Support No. 0451 M E Murrell

Summary of objection

1.261 Freedom of movement is a basic right in a democratic society. The public highways are intended to be available to all users who have access to the road network. To deny rights to one individual or company to pass and re-pass a particular highway is a matter for a court injunction resulting from criminal activity and is not acceptable for planning. The policy should be deleted [0624].

Inspector’s considerations and conclusions

1.262 In my view, routing agreements can be useful and, from the evidence given at the inquiry, they have seemingly been used effectively across the County in the past. Furthermore, these must have been entered into voluntarily by the site operators; it is not possible for the MPA to force a developer to enter into an agreement (see my consideration of Policy SMLP2(l) above).

1.263 However, the legal basis for such routing agreements is, at best questionable. Circular 11/95 and MPG2 (CD.A12) advise that planning conditions cannot be used to
control activities on land which is beyond the ownership and control of the site with the planning permission. That is, planning conditions cannot control the right of passage over public highways. Similarly Circular 1/97 advises that planning obligations (either agreements or unilateral undertakings) can only be entered into where they are enforceable. Again, it is arguable if it is proper to seek to restrict use of the public highways; that is, over land which is not under the ownership or control of the holder of the planning permission. Where lorry drivers are employees of the quarrying company it may be possible for the company to insist that the specified routes are adhered to, but if there is no direct management relationship - for example owner-drivers, or drivers of vehicles from other companies - then this measure of control does not exist either.

1.264 Planning conditions and obligations or undertakings can, to some degree, offer some control over lorry routes, but they cannot be effective all of the time and in every case. The scope for control is very limited, and may extend only to the design of a quarry entrance making it possible only to enter and exit in the one direction, and erecting signs advising drivers of the preferred route. Beyond this, under planning legislation it seems there are no enforceable controls which can be exercised over the routes which drivers of lorries may take to and from a quarry.

1.265 Therefore, whilst such agreements may be arrived at voluntarily between the MPA and an operator, and those agreements address a mutually recognised and accepted problem, it is very unlikely that they are truly enforceable. In which case, it is unreasonable for the SMLP to expect an agreement on lorry routing to be entered into, where it is considered desirable, as a prerequisite for the grant of planning permission. I agree that the policy should be deleted.

RECOMMENDATIONS

1.266 i. The SMLP be modified by deleting Policy SMLP3(c) and paragraph 2.31.1 from the Plan.

ii. Subsequent policies and paragraphs be re-numbered sequentially to follow Policy SMLP3(b) and paragraph 2.30.1.

SMLP3(d) Improvements to the Highway

Objection Nos. 0399 Finch & Ollett Aggregates; 0432 J A McAdam; 0452 M E Murrell; 0548 SAGA; 0572 Brett Gravel Ltd; 0673 Redland Aggregates Ltd; 0706 BACMI; 1075 7 Atlas Aggregates Ltd; 1294 GO-ER; 1348 Tarmac Quarry Products (Southern) Ltd

Counter objection Nos. 2008 Atlas Aggregates Ltd; 3022, 3031 SAGA

7 This objection also includes a counter objection to PDA19. This has been separated and numbered 2008.
Summary of objections

1.267 i. The policy is superfluous because where they are ‘necessary’ (i.e. where otherwise the proposal would have to be refused) highway improvements may be the subject of a S106 agreement. The policy should be deleted [0399].

ii. Add to the last sentence of the supporting text ‘...granted, but in all other cases, changes shall be of a temporary nature with later full re-instatement’ [0432].

iii. There should be no large scale improvements to long lengths of narrow country roads, in particular where these pass through villages as these can lead to increased use by heavy vehicles not associated with the quarry which funded the improvements [0452].

iv. Funding is not a land use planning issue and should be removed from this policy. Circular 11/95, para 83 states that "no payment of money or other consideration can be required when granting a permission or any other kind of consent required by statute, except where there is specific statutory authority". The policy should be deleted [0548, 0572, 0706, 1075].

v. Where appropriate the details of the highway improvements, including funding, should be included in a legal agreement with the operator. The policy should therefore simply state: 'If necessary, and where they cannot be covered by a planning condition, highway improvements may be the subject of a legal agreement' [0673].

vi. This policy seeks to impose a financial demand on mineral operators. This is contrary to the advice in PPG12, which states, that financial contributions from developers should be made on a voluntary basis. The policy and supporting text should be revised accordingly [1294].

vii. Road improvement funding is outside the scope of the Town and Country Planning system. The policy should be deleted [1348].

viii. PDA 19 is welcomed but concern remains about the supporting paragraph. The wording after 'existing highway' should simply indicate that development will not commence until any necessary improvements are completed [3022].

ix. The change in PDA 73 does not meet the objection to this policy. The policy retains the presumption that operators will fund any highway works, contrary to the advice in paragraph B17 of Circular 1/97 [3031].

x. Proposed change PDA19 introduces inconsistency with the supporting text. Whilst the policy now removes reference to developer obligations, it is retained in paragraph 2.32.1. In the context of the policy and supporting text it is unnecessary as the key concern must be to ensure that any essential works are implemented in advance of the permission. This reference should be deleted [2008].

Inspector’s considerations and conclusions

1.268 The MPA propose to change the policy, firstly through PDA19 (CD.B5), which deletes reference to funding from the policy, and revises the supporting text (paragraph
2.32.1) by saying that the funding will be sought from the developer. PDA73 (CD.B24) supersedes PDA19's wording of the policy by requiring any necessary improvements to be provided in advance of development commencing. The proposed changes have been open to formal public consultation, and have attracted counter objections. Accordingly, I propose to take the proposed changes into account in my consideration of these objections.

1.269 Policy SMLP3(b) recognises that a minerals site may not have a suitable access route to a major road. In which case, it is not unusual for the MPA to require improvements to the route between the site and the major road before planning permission is implemented. This is not disputed by the objectors, and I consider it is appropriate for the SMLP to include a policy which addresses the point, partly to advise prospective developers of what will be taken into consideration, and partly to reassure the general public that such matters should not be overlooked. However, the issue will not arise for every site, and hence I disagree with Finch & Ollett Aggregates, and consider that it is appropriate for the policy to be prefaced by the words 'if necessary'.

1.270 Although planning legislation includes mechanisms to link the achievement of these off-site improvements to a grant of planning permission, for the most part through agreements made under Section 106 of the Town and Country Planning Act 1990, it is a well established principle that funding is not a land use interest. This is supported by the various pieces of Government advice and guidance referred to directly or indirectly by SAGA, Brett Gravel Ltd, BACMI, Atlas Aggregates, GO-ER and Tarmac Quarry Products (Southern) Ltd. Consequently, I consider the wording of the policy and the supporting text should not include references as to who would be expected to finance any necessary off-site highway improvement works. Details such as this might be included in whatever agreement is reached. If the offered agreement does not include arrangements to implement the off-site works then presumably it would be unsatisfactory in the eyes of the MPA. In which case, it would not would not satisfy the considerations of a policy of this kind, and planning permission may not be granted. I consider the wording offered by Redland Aggregates Ltd offers appropriate support for a policy of this kind, and it should form the basis of a modification to the supporting text. I also agree with SAGA, but not necessarily with Atlas Aggregates Ltd's counter objection, that the necessary works need only be carried out if the development is to be implemented, not simply if planning permission is granted.

1.271 I understand the point made by M E Murrell, but I consider that the objection does not address a real issue. I accept the submissions from the MPA that the policy only envisages improvements along fairly short stretches of road to link an otherwise poorly connected site to the main road network. I also accept that such short connections would probably not go through a village. In any event, an increase in HGV traffic would need to be assessed against Policy SMLP3(b), which would protect villages lying along the route between a quarry and the main road network from an unacceptable increases in HGV traffic. I do not consider the SMLP should be modified in response to this objection.

1.272 On the point raised by J A McAdam, whilst I appreciate that the quiet rural character of some roads may be altered by such works, I do not consider that, where they would be considered necessary, they would be so extensive as to be seen as unacceptably damaging to the character and appearance of the area. I consider it should be possible for any necessary improvements to be carried out sympathetically, so that the character of the road would not be significantly changed or seriously harmed. In which case, removal of the improvements would be unnecessary. In my view, probably only exceptional circumstances would justify
the removal of improvements of this kind. Where these might arise, the associated agreement could include a clause to require its subsequent removal. However, because I consider such circumstances would be exceptional, it would be inappropriate to mention the possibility in the policy.

RECOMMENDATIONS

1.273 The SMLP be modified by:

i. the deletion of Policy SMLP3(d) and its replacement by:

(d) IF NECESSARY, SATISFACTORY PROPOSALS ARE MADE FOR HIGHWAY IMPROVEMENTS BETWEEN THE SITE AND AN APPROPRIATE MAIN ROAD, THE IMPROVEMENTS TO BE PROVIDED BEFORE DEVELOPMENT COMMENCES.

ii. the deletion of paragraph 2.32.1 and its replacement by:

2.32.1 To access the principal road network via an acceptable route, improvements may need to be carried out to the existing highway. Where necessary, a condition may be attached to the planning permission to prevent development commencing until such works have been carried out. Improvements may include the construction of an improved access, the strengthening and/or widening of roads and the improvement of the junctions between minor roads and the principal road network. Alterations to a principal road may also be required before the development commences. In accordance with Policy SMLP2(l) *, the necessary works may be the subject of a legal agreement or obligation to cover such matters as: what is required, who is to carry out the works and by when.

Counter objection No. 3023 GO-ER
Support No. 3026 MAFF

Summary of objection

1.274 Whilst the reasoning behind the policy is appreciated, the Plan should however only contain policies relating to the planning system and not matters relating to pollution control.

* This reference will become SMLP2(k) if my recommendation to delete Policy SMLP2(e) is accepted.
Inspector's considerations and conclusions

1.275 This is an additional policy which the MPA propose to introduce to the Plan in response to objection 1018, lodged by the National Farmers Union (see paragraph 1.246 above). It has been put forward as PDA17, which is included in CD.B5. The proposed change has been open to formal public consultation and has attracted the counter objection from GO-ER.

1.276 The objector does not cite the relevant legislation which covers the control of Rhizomanna. Without this information, I am unable to agree that it would be adequately covered by pollution control legislation. However, paragraph 62 of MPG2 (CD.A12) advises that, even though a matter for concern may be covered by other legislation, that does not preclude additional planning controls where they are considered appropriate. Although exempt from planning control for many operations, agriculture is a legitimate planning interest. The spread of Rhizomanna could affect the viability of agricultural operations elsewhere, and hence I consider this could be a proper planning concern. In which case, I consider it is reasonable for the SMLP to include the proposed policy.

RECOMMENDATION

1.277 The SMLP be modified in accordance with proposed change PDA17, as set out in the schedule of post deposit amendments, CD.B5.

SMLP: Reclamation of Mineral Workings (general statement)

Objection Nos. 1061 ARC Central; 1163 Ingham Parish Council

Summary of objections

1.278 i. In order to provide a degree of consistency between the wording of the Minerals Local Plan and that of the Suffolk Structure Plan, the following should be inserted; "when considering planning applications for mineral working and associated development the County Council will not normally grant permission unless" [1061].

ii. Most mineral extraction sites are used for landfill with biodegradable 'domestic' waste. The production of methane from landfill sites makes them unsuitable for agriculture or forestry. The Plan should include a clear priority between the conflict of use for landfill, reclamation as forest or other natural usage [1163].

Inspector's considerations and conclusions

1.279 I agree with ARC Central that, where possible, there should be consistency between the development plan policies. However, with the introduction of Section 54A of the Town and Country Planning Act 1990, application and interpretation of development control policies should be clear. The word 'normally' implies that there are other, unspecified, circumstances where planning permission may be granted and still be in accordance with the policy. This would be misleading and not convey the confidence expected of the
development plan system. If material considerations justify granting planning permission contrary to the policy Section 54A makes provision for this. By definition, exceptional circumstances, whatever they may be, cannot be framed as part of the policy. Therefore, the Plan should not be revised to incorporate the wording suggested by the objector. Furthermore, for the same reasons explained under my consideration of the general statement relating to Policy SMLP1, I also consider the word ‘only’ should be omitted from the wording of the policy.

1.280 I do not agree with Ingham Parish Council that restoration of a site by backfilling with imported waste, including domestic waste, would be incompatible with the subsequent use of the land for agriculture, forestry, or any other use appropriate to a rural area. With proper control over the filling and restoration of the site, achievable through planning conditions and conditions on the waste disposal site licence, I consider that a site can be reclaimed quite successfully. I consider the no modifications should be made to the Plan in response to this objection.

RECOMMENDATION

1.281 Policy SMLP4 be modified by omitting the word ‘only’ from the preliminary statement.

**SMLP4**: Safeguarding of Agricultural Land

Objection No. 0625 Ightham Sandpits

Support Nos. 1019 National Farmers Union; 1035 MAFF; 1126 Suffolk Preservation Society

Summary of objection

1.282 This policy conflicts with the principle of sustainable development. The placing of agricultural land above all other matters prevents examination of ways and means to preserve or enhance other assets that are also valued by society. The application of this policy prevents examination of means by which features of ecological or landscape value may be enhanced. This policy places restrictions on the minerals industry that are not warranted by the operations of the industry itself. Other industries take land permanently out of agricultural production. This policy would only be acceptable if all other industry was similarly restricted. The policy should be deleted together with all reference to permanent loss of the best and most versatile agricultural land [0625].

Inspector’s considerations and conclusions

1.283 The MPA propose to change the wording of the supporting paragraphs (PDA89 - CD.B28. The proposed change has not been open to full public consultation, but it has been available for public inspection as one of the core documents of the inquiry. No adverse comments have been made to the proposed change. In which case, I will take it into account in my consideration of this objection.
1.284 It is national planning policy, expressed at paragraph 2.17 of PPG7 (CD.A2) that planning authorities should give considerable weight to protecting the best and most versatile agricultural land against development. This advice was drafted following the principles of sustainable development adopted by the Government, as explained at paragraphs 1.3-1.5 of PPG7. The Government's policy is equally applicable to all forms of development which is proposed in the countryside. The SMLP policy, as explained by the supporting text, recognises that mineral extraction is only a temporary use of land and it may be acceptable on land of high agricultural quality, providing care is taken to store and replace the soil. I do not consider that the policy is as negative or restrictive as the objector suggests, and it should not be deleted from the Plan. However, I consider it would be helpful for users of the Plan if the explanatory text drew specific attention to the fact that mineral extraction is a temporary activity.

1.285 The proposed change is, for the most part, introduced for technical or semantic reasons. However, the final sentence of paragraph 2.33.1 as proposed to be changed, is potentially confusing. I assume that it is intended to mean that where there is a choice of sites which are within the highest land categories, preference will be given to the site with the lowest classification. The text could be interpreted to read that reclamation would be to the lowest possible classification. Further, minor revisions to the text of the proposed change would make it easier to read and understand. I consider the supporting text should be modified in accordance with the wording recommended below.

RECOMMENDATION

1.286 The SMLP be modified by the deletion of paragraphs 2.33.1 and 2.33.2, and their replacement by:

2.33.1 Mineral extraction is a temporary use of land, and it is possible to reclaim the land successfully for agricultural use following extraction. The best and most versatile agricultural land is represented by Agricultural Land Classification grades 1, 2, and 3a. If working is proposed on land which falls within these grades, the land will have to be reclaimed at or, if reasonably practical, better than its original land classification. Where there is a choice between sites of grades 1, 2 and 3a, preference will be given to development on land of the lowest classification.

2.33.2 Where an after-use other than agriculture is proposed on land which was originally classified as grades 1, 2 or 3a, such as amenity or forestry, the methods used in reclamation should be compatible with returning the site to a high quality agricultural land resource in the longer term.
Support No. 3032 SAGA

Summary of objections

1.287  

i. The policy is considered to be impractical, in that the operator will seldom, if ever, be able to produce ‘satisfactory evidence that restoration proposals are feasible’. Also the policy duplicates the requirements of SMLP4(f) which requires that satisfactory proposals are made for restoration. The policy should be deleted as well as notes 2.34.1 and 2.34.2 [0400].

ii. Add to the last sentence ‘...working, or provide a Bond by Insurers for the due performance of such restoration’ [0433].

iii. Demonstration of the financial ability to restore a site must not include a requirement on the developer to enter into a financial guarantee or bonding arrangement. There is no evidence to support the use of restoration bonds and payment of money for planning permission is ultra vires. The text should confirm that restoration bonds and financial guarantees will not be required and that the SAGA Restoration Guarantee Fund would satisfy the requirements of the Authority [0573, 0549].

iv. Clarification is required on ‘financial ability’. If it refers to ‘financial provision’ included within the Environmental Protection Act 1990 it should be deleted as it is already covered by the aforementioned legislation, otherwise is it intended as a provision for restoration bonds [0674]

v. This paragraph implies that restoration bonds will be required where a working programme does not provide for the progressive reclamation of a site. There is no Government policy in support of bonding schemes and indeed positive advice to the contrary. There are no circumstances where restoration through the use of planning conditions is not possible, thus, this paragraph should be deleted [0707].

vi. Whilst the objectors accept the principle that planning authorities need to be sufficiently satisfied that proposals are workable, the requirement to provide ‘evidence’ may be difficult in certain circumstances. The word ‘evidence’ included in the policy should be deleted and replaced with ‘information’ [1062].

vii. Government guidance currently resists the application of financial bonding intended to ensure the success of reclamation proposals [0400, 0707, 1349].

viii. An operator’s track record should be sufficient for planning purposes and hence paragraph 2.34.2 should be omitted [1349].

ix. As a precaution against pollution side-effects on sites restored by landfill add ‘and appropriate for the site’ to the policy. In paragraph 2.34.1 line 2 the word ‘appropriate’ should be inserted after ‘sufficient’ [1295].

x. Paragraph 2.34.2 implies that the MPA will seek financial information from the developer. Planning permission runs with the land and therefore the identity and financial standing of the applicant is irrelevant. This is not a planning matter and should be deleted [0400, 1062].
Inspector's consideration and conclusions

1.288 The MPA propose to change the wording of the policy and the supporting paragraphs through the introduction of PDAs 20 and 21 (CD.B5). Both proposed changes have been open to public consultation and have attracted no counter objections. I will take the proposed changes into account in consideration of these objections.

1.289 I have sympathy with the point made by Finch & Ollett Aggregates and ARC Central that the applicant for a planning permission need not be the operator of a site. It could be misleading for the policy to seek detailed information from an applicant about their own circumstances in that the ownership and operation of a site could change during the operational life of a site, possibly more than once. The current Government guidance on restoration of mineral sites, MPG7 (CD.A16), states that the responsibility for restoration and aftercare rests with the operator, and goes on to put the onus on the applicant to demonstrate the feasibility of the restoration proposals (paragraph 91). I interpret this to mean that at planning application stage it is up to the applicant to show that the envisaged reclamation and restoration is feasible, and that this could be achieved by, and become binding upon, any operator.

1.290 It should be fairly straightforward for the applicant to demonstrate that the reclamation scheme is both feasible and appropriate for the site in terms of inter alia hydrogeology, surrounding land uses and access and that a source of any necessary fill materials could be identified. These details should remain constant and form the basis for eventual compliance and, if necessary, enforcement whoever the operator (or, in default, the landowner) might be.

1.291 However, I agree that there could be a degree of difficulty in securing financial assurances. I do not agree with BACMI that the policy goes so far as to seek a financial bond. Indeed, I agree with Brett Gravel Ltd and SAGA that to do so would be contrary to current Government advice in MPG7. In which case, J A McAdam's suggested addition to the text of the policy should not be accepted.

1.292 I note the MPA's submission that in virtually every case over the past 17 years the applicant has also been the operator of the site. If this remains the pattern of experience within the County then there may be a high degree of confidence, based on the reputation of the company, as suggested by Tarmac Quarry Products (Southern) Ltd. Also, where a company has been a member of one of the industry's representative bodies, such as SAGA, they would be able to point to the SAGA Restoration Guarantee Fund to give such assurances. MPG7 encourages MPAs and the public to have confidence in schemes of this sort. PDA20 introduces a reference to this fund. Redland Aggregates Ltd have not responded to the Council's proposed changes, but I consider PDA20 should adequately answer their concerns. As from 1 July 1997, SAGA and BACMI have merged into a single body, known as the Quarry Products Association (QPA). Indications are that an equivalent of the old SAGA Restoration Guarantee Fund will continue to be administered by QPA. In which case the policy may need to be modified to reflect the current scheme.

1.293 Seemingly, there is some reason to be perplexed over how best to cover the point. I consider there is no justification for the MPA not to follow the current Government advice and guidance. This says that mineral companies, or other applicants, should demonstrate to the MPA that they are financially capable of undertaking the proposed restoration and
aftercare (paragraph D1, MPG2). I acknowledge the potential problems there may be over continuity over assurances of financial competence if ownership or control of the quarry change during the life of the operations. However, I consider it would be contrary to general practice and contrary to Circular 11/95, and therefore unreasonable, for the policy to deal with this by (say) only granting permission subject to conditions limiting it to a named operator. In my view, the supporting text as proposed to be changed by PDA20, complies with current Government advice and the Plan should be modified accordingly. In which case, the conditionally withdrawn objection made by SAGA would be satisfied.

1.294 As to the wording of the policy, I consider that ARC Central’s suggestion to substitute ‘information’ for ‘evidence’ would be seen as a weakening of the policy. I consider it is important that a developer should have a fairly firm view as to how the site is to be reclaimed or restored before development commences as this would influence the scheme of working, required to be examined under Policy SMLP2(d). I consider it is reasonable for the MPA to ask for evidence, albeit only in broad or outline form, that the envisaged restoration scheme is indeed feasible. In which case, I do not support the views expressed by Finch & Ollett Aggregates, and I do not consider that the policy should be deleted.

1.295 Looking at the wording of the supporting text against the wording of the policy, there is an inconsistency between the policy and 2.34.1, as proposed to be changed. The policy says that the evidence should suggest that restoration proposals are feasible, yet the text says the information is needed to demonstrate a scheme’s feasibility. I consider the wording of the text is stronger than the policy, but the stronger wording is more appropriate. The policy should be modified accordingly. Also, in view of the fact that mineral operations last many years, it is unrealistic for the policy to apparently ask for absolute guarantees that a restoration scheme relying on filling with imported materials will have access to the necessary materials. I consider it is only necessary to show that, on the basis of information to hand at application stage, suitable material could be available to achieve the envisaged restoration. This last point should meet some of the concerns expressed by Finch & Ollett Aggregates Ltd over the degree of certainty which would have to be demonstrated.

1.296 The evidence produced to demonstrate the feasibility of a restoration scheme should also show it would be appropriate in the terms discussed in paragraph 1.290 above. I agree with GO-ER that the policy should be modified to emphasise this point. PDA21 proposes to include this revision.

RECOMMENDATIONS

1.297 i. The SMLP be modified by the deletion of Policy SMLP4(b) and paragraph 2.34.1 and their replacement by:

(b) **THE APPLICATION IS SUPPORTED BY SATISFACTORY EVIDENCE TO DEMONSTRATE THAT RESTORATION PROPOSALS ARE FEASIBLE AND APPROPRIATE FOR THE SITE;**

2.34.1 Reclamation proposals must be feasible in terms of, amongst other things, the hydrogeology of the site, surrounding land uses, access and whether it is actually achievable. For example, restoration dependant upon imported fill must demonstrate that sufficient appropriate material could be available
within a reasonable timescale. Such evidence should be submitted with the planning application.

ii. The SMLP be modified in accordance with proposed change PDA20, as set out in the schedule of post deposit amendments, CD.B5.

iii. Consideration be given to the need to further modify paragraph 2.34.2 to take account of the current arrangements over the Restoration Guarantee Fund following the merger of SAGA and BACMI to form the Quarry Products Association.

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Objection Nos. 0627 Ightham Sandpits; 1296 GO-ER

Support No. 1118 Suffolk Preservation Society

Summary of objections

1.298 i. There is no indication of what is ‘satisfactory’, a comprehensive definition should be provided [0627].

   ii. MPG7 (para 21) advises that soil stripping procedures should make provision for the separate storage of top soil, sub soil and other overburden layers, as well as differing soil types, so that the final surface layers on restored areas can be reinstated in the correct order, conserving maximum fertility. It is suggested that in para 2.35, ‘and layers’ is added to the second sentence after ‘soil types’ [1296].

Inspector’s considerations and conclusions

1.299 The MPA propose to change the wording of the supporting text (PDA22 - CD.B5). The proposed change has been open to public consultation and has not attracted counter objections. The proposed change accepts the suggested amendment from GO-ER. I consider this is an appropriate amendment, which generally follows the guidance given in MPG7 (CD.A16). Storage of soils is the concern of policy SMLP4(d), and hence the end part of the final sentence of 2.35.1 should be removed from this policy and transferred into SMLP4(d).

1.300 The quality of the restoration of a site will often be heavily influenced by the ways in which soils used in the restoration have been handled. Therefore the stripping of soils is an important operation, which must take place with care and under the correct climatic conditions. In my view, the supporting text should refer to the reason why the handling of soils is an important concern, to give an indication of what would be considered satisfactory by the MPA. This may not go so far as Ightham Sandpits has asked for in their objection, but I consider it would be a helpful modification to the Plan.
RECOMMENDATION

1.301 The SMLP be modified by the deletion of paragraph 2.35.1 and its replacement by:

2.35.1 Generally, soils overlying a mineral site will need to be carefully stripped so that they may be used in the restoration of the site after extraction. The success of a restoration scheme will, in part, depend on how carefully the soils and overburden were removed in the first place. The movement of soils should be kept to a minimum and be timed to take place only when favourable weather conditions and low soil moisture contents are present. Differing soil types and layers should be stripped separately from each other.

Objection Nos. 0628 Ightham Sandpits; 1297 GO-ER

Counter objection No. 3024 GO-ER

Support Nos. 1119 Suffolk Preservation Society; 3027 MAFF

Summary of objections

1.302 i. There is no indication of what is 'satisfactory', it is suggested that a comprehensible definition is provided [0628].

   ii. MPG7 (paragraph 22) advises that in order to minimise damage to stored materials by compaction and from anaerobic conditions, which would adversely affect soil fertility, stack heights should be controlled. Paragraph 2.36.1 should explain that stack heights should be kept low and that their form be defined by condition [1297].

   iii. With regard to PDA23 and the additions to paragraph 2.36.1, account should be taken of the latest guidance on the subject regarding the height of soil mounds as contained in paragraph 45 to Annex A of the revised MPG7 [3024].

Inspector's considerations and conclusions

1.303 The MPA propose to change the wording of the supporting text (PDA23 - CD.B5). The proposed change has been open to public consultation and has attracted a counter objection. I will take the proposed change in to account when considering these objections.

1.304 The proposed change accepts the suggested amendment from GO-ER. I consider this is an appropriate amendment, which generally follows the guidance given in MPG7 (CD.A16). I do not consider that the policy conflicts with or precludes consideration of the advice given in paragraph A45 of MPG7, and no further modification is necessary.
1.305 Taking the point made by Ightham Sandpits, I consider this policy is a natural extension of Policy SMLP4(c), and would benefit if the same justification were given for the care needed in the handling of soils. This would provide a context for an assessment of whether the proposals would be satisfactory. Within this context, the ordinary or dictionary definition of the word ‘satisfactory’ would be adequate. Following on from my comment in paragraph 1.299, the supporting text should be further modified to refer to the separation of different soil types in storage.

RECOMMENDATIONS

1.306 The SMLP be modified by the deletion of paragraph 2.36.1 and its replacement by:

2.36.1 Once stripped, should be stored properly if they are to be used in the restoration of the site after extraction. The success of a restoration scheme will, in part, depend on how carefully the soils and overburden have been stored. Different soil types and layers should be kept separate from each other, or separated by a suitable medium. Soil should not be stored in locations which are wet or liable to flooding, or where soil mixing, loss or damage by trafficking is likely to occur. When planning the siting of soil and overburden storage mounds, consideration should also be given to landscaping and noise attenuation requirements. Soil fertility is adversely affected by compaction and anaerobic conditions, therefore the proposed height of soil mounds must take this into account.

Objection No. 0629 Ightham Sandpits
Support No. 1120 Suffolk Preservation Society

Summary of objection

1.307 i. There is no indication of what is ‘satisfactory’.

ii. The policy fails the test of promoting sustainable development. The policy should be used to promote environmental improvement through the use of the opportunities offered by minerals operations to create desirable landforms. Suggested alteration, exacting and comprehensible definition of what is ‘satisfactory’. Suggested alteration, delete policy and replace with policy that seeks to ensure that final landform of minerals operation are designed to maximise economic and environmental benefit.

Inspector’s considerations and conclusions

1.308 There is no requirement for this plan to actively promote environmental improvement. In my view, a protective or preservationist policy also contributes to the strategy of sustainable development. The actual proposals which developers bring forward as part of
their applications may, of course, be based on a pro-active approach to sustainable
development. Such schemes should be acceptable within the terms of this policy.

1.309 The objector does not put forward their own definition of the word ‘satisfactory’. 
The appreciation of a restored landform would be dependant on a multiplicity of factors, 
including technical, engineering, ecological matters, as well as a subjective aesthetic 
assessment. These are probably going to be unique to each site and therefore must be 
considered on a site-by-site basis. The scope of this policy is explained in the supporting text 
and, in this context, I consider the ordinary or dictionary definition of the word would be 
adequate.

RECOMMENDATION

1.310 No modifications be made to the SMLP in response to this objection.

Objection No. 0630 Ightham Sandpits; 1298 GO-ER
Support Nos. 1121 Suffolk Preservation Society; 3028 MAFF

Summary of objections

1.311 i. There is no indication of what is ‘satisfactory’. The Plan should include an 
exacting and comprehensible definition of what is satisfactory [0630].

ii. The restoration referred to in paragraph 2.38.1 only refers to replacement of what 
previously existed. This paragraph fails the test of sustainable development by not seeking 
to maximise the potential benefits from minerals operations. The paragraph should be 
deleted and replaced by new text which seeks to identify beneficial after use as a primary 
requirement for the allocation of land for minerals extraction in accordance with the 
principles of sustainable development [0630].

iii. Restoration of the upper-most surface layers of sites being prepared for 
cultivation should ensure that all obstacles to cultivation are removed. On filled sites 
obstacles other than stones may be present. The following wording should be added to the 
last line of the policy; ‘and other debris’ [1298].

Inspector’s considerations and conclusions

1.312 The MPA have put forward two proposed changes to the policy; PDA24 and 
PDA49, both of which are in CD.B5 and both have been open to public consultation. 
PDA24 takes account of the GO-ER objection. PDA49 is a spelling correction of text in 
paragraph 2.38.1 in the deposit draft of the Plan, but which had already been made by 
PDA24, but not specifically identified. In my view PDA24 is a helpful addition to the 
supporting text, and the Plan should be modified accordingly. I do not make any 
recommendation on PDA49 as the correction had already been made in PDA24.
1.313 The supporting text explains the scope of this policy. In my view, the ordinary or dictionary definition of the word ‘satisfactory’ provides an adequate definition in this context. I do not consider it necessary to provide an exacting and comprehensible definition. Indeed, it could be that further definition could be an unnecessary complication of a relatively simple and straightforward point.

1.314 In my view, the strategy of sustainability is supported by preservationist and protectionist policies as well as the sort of pro-active policies looked for by Ightham Sandpits. Policy SMLP4(f) is a logical continuation of the theme conveyed by policies SMLP4(b) SMLP4(c) and SMLP4(d) in that together they seek to preserve and re-use a worthwhile resource which will benefit future generations. I do not agree with the objector that the policy ‘fails the test’ of sustainable development. Within the context of these policies, it would be open to the developer, in negotiation with the MPA if necessary, to include pro-active proposals in any planning application. The Plan should not be modified to take account of this objection.

RECOMMENDATIONS

1.315 The SMLP be modified in accordance with proposed change PDA24, as set out in the schedule of post deposit amendments, CD.B5.

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<td>Support No.</td>
<td>1122 Suffolk Preservation Society</td>
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Summary of objection

1.316 There is no indication of what constitutes ‘satisfactory’. Suggested alteration: include an exacting and comprehensible definition of what is ‘satisfactory’.

Inspector’s considerations and conclusions

1.317 The objector does not put forward their own definition of the word ‘satisfactory’. The supporting text gives examples of the type of features which the MPA would bring into their appraisal of the reclamation and restoration proposals for a mineral working. There is a very wide range of features which could be relevant, which is acknowledged in the text by saying that sites would be considered on an individual basis. The appraisal will, to a large degree depend on professional judgement based on accumulated experience within the MPA, taking account of the technical requirements of land drainage, boundary enclosure etc., and the visual appreciation of traditional landscape features. I consider that the ordinary or dictionary definition of the word is adequate in this context and that no modification of the Plan is necessary.
RECOMMENDATION

1.318 No modifications be made to the SMLP in response to this objection.

Objection Nos. 0632 Ightham Sandpits; 1063 ARC Central
Support No. 1123 Suffolk Preservation Society

Summary of objections

1.319 i. There is no indication of what is ‘satisfactory’. Suggested alteration, exacting and comprehensible definition of what is ‘satisfactory’ [0632].

   ii. Alternatively, the policy should be deleted and replaced with a new policy that seeks to identify beneficial after use as a primary requirement for the allocation of land for minerals extraction in accordance with the principles of sustainable development [0632].

   iii. The requirement specified under this policy is already covered by Policy SMLP4(f) and should therefore be deleted. There is no distinction between areas used for the disposal of mineral waste and the mineral site in general [1063].

Inspector’s considerations and conclusions

1.320 The MPA propose to change the policy by adding an ‘S’ to the word ‘PROPOSAL’ (PDA52(part) - CD.B5). The proposed change has been open to public consultation and had not attracted counter objections. The proposed change is of a minor and uncontroversial nature, and I will take it into account in my consideration of these objections.

1.321 I appreciate the point made by ARC Central, in that SMLP4(f) could be seen as all-embracing. However, the elements of Policy SMLP4 would be applicable to any minerals site. The supporting text, and the MPA’s response, suggests that this is a point which should be the subject of particular consideration on sand and gravel sites. In which case, I consider the policy usefully draws this to the attention of potential developers and should remain in the Plan. However, I consider the supporting text needs some revision to make the point clear.

1.322 The supporting text explains the scope of this policy, and its emphasis on the safety of these lagoon areas on restoration of a site. In my view, the ordinary or dictionary definition of the word ‘satisfactory’ provides an adequate definition of the word in this context. I do not consider that an exacting and comprehensible definition would give any greater clarity.

1.323 The policy seems to me to be entirely neutral in respect of the sustainability strategy. The policy does not preclude any developer coming forward with restoration proposals which
actively pursue the objectives of a sustainability strategy. The Plan should not be modified to take account of the Ightham Sandpits objection.

RECOMMENDATIONS

1.324  i. The SMLP be modified in accordance with proposed change PDA52 in so far as it affects Policy SMLP4(h), as set out in the schedule of post deposit amendments, CD.B5.

ii. Paragraph 2.40.1 be deleted and replaced by:

2.40.1 This policy is mainly concerned with the restoration of sand and gravel sites. In broad terms there are two types of mineral waste on these sites. As well as surplus sand, which is used in the reclamation of the extraction area, there may be silt lagoons. These contain very fine materials which have been washed out during processing of the excavated sand and gravel. Particular consideration will be given to the reclamation of these lagoons to a safe condition.

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<td>0633 Ightham Sandpits; 1064 ARC Central</td>
<td>1124 Suffolk Preservation Society</td>
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Summary of objections

1.325  i. There is no indication of what is ‘satisfactory’. The Plan should include an exacting and comprehensible definition of what is satisfactory [0633].

ii. None of the sites in the proposals map include identification of built development as part of the after-use. The policy should be deleted and replaced with a new policy that seeks to identify beneficial after-use as a primary requirement for the allocation of land for minerals extraction in accordance with the principles of sustainable development [0633].

iii. The policy should be amended to allow for the provision of ground conditions following mineral workings which are capable of being made suitably stable to accommodate subsequent construction. As drafted, the onus for providing suitably stable ground conditions lies with the mineral operator and may be open to abuse by a subsequent developer.

Inspector’s considerations and conclusions

1.326 The MPA propose to change the policy and its supporting text to clarify that the policy would only apply in particular circumstances (PDA25 - CD.B5). There have been no counter objections to the proposed change and I will take it into account in my consideration
of these objections. Having said that, I do not consider the wording is particularly clear, and in my recommendation I put forward further revisions of my own.

1.327 Taking the second of the points raised by **Ightham Sandpits**, even though none of the identified sites on the Proposals Map list built development as the envisaged after-use, I consider inclusion of this policy is a useful safeguard or contingency. The list of possible after-uses in the Inset Maps is not prescriptive or comprehensive. Also, there is provision in the Plan for the extraction of a known reserve of minerals in advance of new built development. These sites may arise on an ad-hoc basis during the Plan period, in which case reference to this policy would be appropriate. I do not consider that a policy only has to be pro-active to comply with the strategy of sustainable development. This policy does serve the strategy by acknowledging that minerals should not necessarily be sterilised by proposals for built development, and encouraging the restoration of the site to a safe and useable condition following extraction. This would be in accordance with the second of the principles of sustainable development listed in paragraph 5 of PPG1 (CD.A1).

1.328 I consider the proposed change, in spirit if not in detail, meets the concern of **ARC Central**. I do not consider that any further suggested revisions of my own would undermine the interests of this objector.

1.329 Paragraph 2.41.1 explains the purpose of this policy. Using the ordinary or dictionary definition of the word 'satisfactory' would be sufficient to gain a clear understanding of its scope and application. I do not consider the Plan should be modified to take account of this objection from **Ightham Sandpits**.

1.330 In view of the fact that the MPA is unlikely to be the local planning authority which considers and approves applications for new built development on an reclaimed minerals site, it is not appropriate for the SMLP to imply that it would. I consider that it should not refer to 'proposed buildings', but only the possibility of new built development taking place on these sites.

**RECOMMENDATION**

The SMLP be modified by the deletion of Policy SMLP4(i) and paragraph 2.41.1, and their replacement by:

(i) **THE ENVISAGED AFTER-USE OF A SITE INCLUDES BUILT DEVELOPMENT, SATISFACTORY PROPOSALS ARE MADE TO LEAVE GROUND CONDITIONS WHICH WOULD SUPPORT NEW CONSTRUCTION FOLLOWING EXTRACTION AND RECLAMATION;**

2.41.1 Where it is envisaged that, following the extraction of minerals, the site will be used for built development of some kind, the reclamation and restoration proposals should be designed to ensure that ground conditions suitable for building can be created. The policy would be relevant where, for example, under Policy SMLP7(c) working preceded permanent development in order to prevent sterilisation of mineral resources.
SMLP4(j) Removal of Plant, Machinery, Buildings and Access Tracks

Objection No. 0675 Redland Aggregates Ltd
Support No. 1125 Suffolk Preservation Society

Summary of objection

1.331 It is in the interests of both the industry and the MPA to have the flexibility of retaining plant in appropriate circumstances to service further reserves. The following wording ‘where necessary’ should be added to the policy before ‘... satisfactory proposals ...’.

Inspector’s considerations and conclusions

1.332 Each application for mineral development should be self-contained in that it should include proposals for all stages of the development. It would be bad practice for the MPA to permit the retention of plant, machinery etc., where there is no planning permission for future working in the same area for which the installations might be beneficially retained. The policy would not preclude a permission for subsequent working to include the retention of plant etc., which had originally been installed for an earlier scheme.

RECOMMENDATION

1.333 No modifications be made to the SMLP in response to this objection.

SMLP4(k) After use of Mineral Workings

Objection Nos. 0263 P M Tanousis; 0434 J A McAdam; 0634 Ightham Sandpits; 1007 Babergh District Council; 1033, 1354 MAFF
Support Nos. 0449 English Nature; 1127 Suffolk Preservation Society; 1185 RSPB

Summary of objections

1.334 i. The general policies should be extended by including the following policy; ‘When considering planning applications for mineral working and associated development, the County Council should take into account the beneficial end user which would result from the excavation being made’ [0263].

ii. Amend from line 2 ‘Agricultural restoration is the most appropriate but the opportunity for forestry over part or all of a site may be considered’ [0434].

iii. This policy fails the test of sustainability. The after use of minerals operations should be at the heart of minerals planning and not tagged on as an afterthought as in this policy. The overall benefit of minerals operations can be greatly influenced by the after use to which sites are put. The policies SMLP4 (g-i) hint at the consideration of after use of
minerals operations but do not go far enough. Suggested alteration: reappraisal of the plan making method to accord with principles of sustainable development [0634].

iv. The after-use of mineral workings for recreation or public amenity should be qualified in the policy by reference to such uses being of a low key nature. Mineral sites are generally located in the countryside where intensive uses would be likely to be inappropriate and intrusive. Other well established development plan policies seek to control the type of development which takes place in the countryside and the Minerals Plan policy should reflect this [1007].

v. A statement should be included under Paragraph 2.43.1 or 2.44.1 to encourage applicants to consult MAFF early in the planning process with reference to restoration and aftercare. The following wording is suggested; ‘Where proposals for mineral extraction involve restoration to agriculture, applicants are encouraged to consult the Ministry of Agriculture, Fisheries and Food at an early stage, preferably pre-application. This is particularly appropriate on larger sites and where grade 1, 2 or 3a agricultural land is involved’. [1033]

vi. The text of paragraph 2.43.1, in the final sentence is incorrect. The current surplus of agricultural commodities is misleadingly and incorrectly phrased as ‘the current surplus of agricultural land’. The final sentence should be rewritten to replace ‘land’ with the word ‘commodities’.

vii. The last sentence should be qualified with the guidance provided in MPG6. An additional paragraph should be added after 2.43.1 to ensure that there can be no doubt of the responsibilities and standards required from an operator when restoring formerly best and most versatile land. The following wording is suggested; ‘Where restoration to agriculture is proposed, the objective will normally be to restore the land to its previous agricultural quality or better if reasonably practicable. In cases where after uses other than agriculture are considered appropriate, on land which pre-working was best and most versatile, restoration and aftercare steps should enable the retention of the land’s longer term potential as a high quality agricultural resource’ [1354].

Inspector’s considerations and conclusions

1.335 The MPA have proposed several changes to the supporting text for this policy, largely to take account of the objections. PDAs 26 and 27 (CD.B5) were open to public consultation and have not attracted any counter objections. PDA90 (CD.B28) partly superseded PDA27, but all of these PDAs were superseded by PDA103, which consolidates the previous proposed changes. PDA103 has not been open to formal public consultation, but it has been available for inspection as a core document of the inquiry. I have not been made aware of any adverse comments on PDA103 so, in view of this, and in view of the fact that the greater part of the proposed changes have previously been on formal deposit, I will take the proposed change into account in my consideration of these objections.

1.336 The suggestion behind the objection made by Ightham Sandpits is that every policy of the plan must actively promote sustainable development in some way. I do not agree with this view; the strategy of sustainable development can also be met by preservationist or protectionist policies, and is not prejudiced by policies which are entirely neutral. Whereas a new mineral development could be the opportunity for positive long-term benefits, designed
to meet sustainable development objectives, I do not consider it is the duty of the MPA to actively promote such schemes and let this guide its selection of sites identified in the Plan. To do so would be excessively and insupportably directive or dictatorial, and would cut across or possibly even frustrate the freedom of individual developers to promote the development and reclamation of a site according to their own preferences, subject to all the other policies of the Plan. In my view, this policy, together with the others in the Plan, provides sensible guidance for developers to follow in bringing forward schemes, some of which may indeed pro-actively pursue the strategy of sustainable development. I do not consider the Plan should be modified to take account of this objection.

1.337 The implications of the view put by P M Tanousis is that an otherwise unacceptable scheme could be permitted if the proposed end use was seen to be beneficial. It may be that a new after-use would be seen to have a greater long-term benefit for the local area such that it justified a degree of short-term disruption. However, in my view, such circumstances would be very rare, and would not justify a specific mention in the policy. To do so would be to effectively condone such poor practices as inadequate access arrangements, unacceptable intrusion in the landscape, and unreasonable disturbance to the living conditions of those living near to a site. If it ever were considered that, on balance, the long-term benefits overrode the short-term harm, this could be permitted as an exception to the policy, justified on its individual merits at that time.

1.338 J A McAdam's suggested amendment seeks a strengthening of the policy's preference for agriculture as the after-use over forestry. However, both uses are appropriate for the countryside and, in the normal course of events, neither require a specific planning permission. I do not consider that forestry should be regarded as a poor alternative and the text as it stands in PDA103 represents a fair balance.

1.339 The proposed change accepts the points made by Babergh District Council and the second of the points made by MAFF. I consider these are helpful additions or revisions to the text and the Plan should be modified accordingly. In which case, these conditionally withdrawn objections would be satisfied. The other two points made by MAFF are effectively covered by proposed change PDA89, under Policy SMLP4(a). Whilst I generally support this proposed change, I have recommended further revisions to be incorporated as a modification to the Plan (see paragraph 1.286 above). I consider my recommended modifications would also satisfy these other conditionally withdrawn objections from MAFF.

RECOMMENDATION

1.340 The SMLP be modified in accordance with proposed change PDA103, as set out in the schedule of post deposit amendments, CD.B28.
Summary of objections

1.341 i. This policy fails the test of sustainability. The after use of minerals operations should be at the heart of minerals planning and not tagged on as an afterthought as in this policy. The overall benefit of minerals operations can be greatly influenced by the after-use to which sites are put. The policies SMLP4 (g-i) hint at the consideration of after-use of minerals operations but do not go far enough [0635].

ii. MPG7 (paragraph 7) advises that aftercare provision should extend to sites being restored for nature conservation purposes, as well as other land uses. For consistency with Policy SMLP4(k) the following wording should be added ‘including nature conservation’ after ‘amenity’. In paragraph 2.44.1 the voluntary basis of planning obligations should be recognised. Delete ‘require’ and substitute ‘depend upon the miner operators being willing to enter...’. After ‘planning obligations’ add ‘to provide for appropriate future management of the site’ [1299].

iii. Schedule 5, paragraph 3.1 (2)(3) and (4) of the Town and Country Planning Act 1990, defines the appropriate standard of restoration when an aftercare condition is imposed, which requires that the land is returned to either an agricultural, forestry or amenity land use. It therefore follows that such a requirement should be reflected in the policy. The second line of the policy should be amended to; ‘...the site to the required standard necessary for subsequent agriculture...’ [1034].

Inspector’s considerations and conclusions

1.342 The MPA have brought forward three proposed changes the policy. PDA53 and PDA54 (both in CD.B5) offer alternative wordings for both the policy and the supporting text. Both proposed changes have been subject to full public consultation and have attracted no counter objections, although there is a comment from MAFF regarding a potential confusion between the two proposed changes. Proposed change PDA102 is a consolidation of the policy element. This has not been open to formal public consultation, but it has been available for public inspection as a core document of the inquiry (CD.B28). I have not been made aware of any adverse comments. I will take these proposed changes into account in my consideration of these objections.

1.343 The objection made by Ightham Sandpits is worded identically to objection 00634, made against Policy SML4(k). My consideration of this objection is the much same as that made to objection 0634 (see paragraph 1.336 above). If a developer has been guided to carefully strip, store and re-spread soils as part of a protectionist or preservationist approach to sustainability I consider it is entirely appropriate that he should be required to maintain the land until it is in a suitable condition for the envisaged after-use. I do not consider that the policy should be modified to take account of this objection.

1.344 Both GO-ER and MAFF consider the proposed changes (PDA53 and PDA54 respectively) would meet their objections. Whilst I agree with the relevant proposed change to the policy itself, and hence the conditionally withdrawn objection from MAFF would be satisfied, I consider the proposed change to the end of the supporting text in PDA54 implies that a planning permission would not be forthcoming unless a developer entered into a formal agreement over future management of the site. This may, of course, very often be the case,
but I do not consider that the wording used here is entirely appropriate. I recommend an alternative wording, which I consider covers the point raised by GO-ER.

1.345 The MPA do not offer an explanation as to why the preceding passages of the supporting text given in PDA53 differs from PDA54. In their submissions it is requested that I prefer PDA54. However, PDA53 meets a specific point made by MAFF and, subject to the above comments, I consider this should be consolidated with PDA54 and the Plan should be modified accordingly.

RECOMMENDATIONS

i. The SMLP be modified in accordance with proposed change PDA102, as set out in the schedule of post deposit amendments, CD.B28.

ii. Paragraph 2.44.1 be deleted and replaced by:

2.44.1 Following reclamation, a programme of aftercare may be required to be implemented which ensures that cultivation and / or treatment is provided for a number of years after initial reclamation has been carried out. The ‘condition suitable’ is defined in the Town and Country Planning Act 1990. Usually, aftercare schemes last for five years following reclamation and after-care arrangements may be reviewed annually. The after-care of sites in nature conservation use may need to be supported in the longer-term and, where appropriate, this may be covered by a planning obligation to provide for the appropriate future management of the site.

1.346 Whilst not the subject of any duly made objections, and therefore beyond the strict limits of my remit for this report, I consider that the elements of Policy SMLP4 do not follow an entirely logical or progressive order in the Plan. It is probably little more than a presentational point, but it is my view that the removal of plant, machinery etc., should come before consideration of the after-use of mineral workings, and that, because it is likely to be fairly rare occurrence, building on made up ground should follow the more general point on after-uses. If my suggestion for this order of the policy elements is accepted by the MPA, the Plan will have to be further modified by an appropriate re-numbering of the elements and the supporting paragraphs.

SMLP5 Withdrawal of Permitted Development Rights (general statement)

Objection No. 1129 Suffolk Preservation Society
Support No. 1155 Suffolk Preservation Society

Summary of objection

1.347 It is considered that the phrase; ‘exceptional circumstances’ weakens the policy. The circumstances likely to be classified as exceptional, need to be further defined within the
explanatory text. A return to the previous wording to protect from uncontrolled development with potentially damaging results is suggested.

Inspector's considerations and conclusions

1.348 The MPA propose to change the wording of the policy and the supporting text (PDA88 - CD.B28) to state that the permitted development rights may be restricted rather than withdrawn, and that this will be achieved through planning conditions. The proposed change has not been open to full public consultation, but it has been available for public inspection as one of the inquiry core documents. I have not been made aware of any adverse comments to the proposed change, and hence I will take it into account in my consideration of this objection.

1.349 Sub-paragraphs (a)-(c) adequately describe the circumstances where permitted development rights may be restricted. See my comments on sub-paragraph (d) below.

1.350 I will consider the objections made to the sub-paragraphs of this policy before coming to my recommendations.

Support No. 1187 RSPB

1.351 There were no duly made objections made to this sub-paragraph

Objection No. 1300 GO-ER

Summary of objection

1.352 The term 'in the vicinity of' is unclear. The policy should give a clearer indication of how near a proposed site might be to the sensitive locations listed for the withdrawal of permitted development rights to be considered.

Inspector's considerations and conclusions

1.353 I agree with the MPA in their response to this objection, that the need to impose restrictions on permitted development rights will vary according to the circumstances of each case. The proximity of the site to the sensitive land and the type of harm which is seen to be likely will not be the same in every case. By the very nature of exceptional circumstances, I consider it would be impossible to be prescriptive over the situations where this would be considered necessary. The advice and guidance at paragraphs 86-91 of Circular 11/95 would need to be considered before imposing any such condition.
Objection Nos. 0550 SAGA; 0574 Brett Gravel Ltd; 1076 Atlas Aggregates Ltd

Summary of objections

1.354 i. An extension to an existing working should not be considered an exceptional circumstance and should be deleted from the Policy [0550, 0574].

ii. Government policy is clear that permitted development rights should not be withdrawn unless there are compelling reasons to do so. This policy proposes that in all cases where extensions are proposed, rights will be withdrawn which is contrary to the spirit of Government policy. It is suggested that this policy be deleted [1076].

Inspector's considerations and conclusions

1.355 Although the proposed change PDA88 revises the wording of the policy from 'withdraw' to 'restrict', I consider this does not overcome the fundamental point made by the objectors. It is indeed Government policy that permitted development rights should not be restricted unless there are exceptional circumstances. In my view, an extension to an existing site, or satellite workings per se should not present exceptional circumstances. Each site would have to be assessed individually for the degree of harm or disturbance which is likely to occur and there is no prima facie reason to assume that an extension or satellite site would be any more likely to give rise to difficulties than the main site or an entirely new one. I consider that the sub-paragraph would be an unwarranted blanket policy which would not accord with Government policy on the subject, and it should be deleted.

Other matters

1.356 The supporting text will also need to be modified to take account of the modifications discussed above. PDA88 proposes changes to paragraph 2.45.3 and 2.45.4. I consider the first of these is a necessary modification to reflect the revised wording of the policy, and this should be included in the Plan. However, as I consider sub-paragraph (d) should be deleted, paragraph 2.45.4, either as originally drafted or as proposed to be changed, should be omitted.

1.357 Whilst not the subject of an objection, I consider that the heading above SMLP5 should be revised to be consistent with wording of the policy itself.

RECOMMENDATIONS

1.358 The SMLP be modified:

i. by modifying the heading above Policy SMLP5 to read:

RESTRICTION OF PERMITTED DEVELOPMENT RIGHTS

ii. by the deletion of the general statement for Policy SMLP5 and its replacement by:
WHEN MINDED TO APPROVE PLANNING APPLICATIONS FOR MINERAL WORKING THE COUNTY COUNCIL WILL, IN EXCEPTIONAL CIRCUMSTANCES, CONSIDER THE NEED TO RESTRICT PERMITTED DEVELOPMENT RIGHTS THROUGH THE IMPOSITION OF PLANNING CONDITIONS, IN PARTICULAR WHERE:

iii. in accordance with proposed change PDA58, as set out in the schedule of post deposit amendments, CD.B5.

iv. by the deletion of paragraphs 2.45.3 and 2.45.4 and the inclusion of a new paragraph 2.45.3 worded:

2.45.3 In sensitive locations mineral working may only be considered acceptable on the basis of what was specifically proposed in the planning application. In these instances the mineral planning authority may wish to retain control over additional mineral related development at a site by restricting permitted development rights through the imposition of planning conditions.

v. by the deletion of sub-paragraph (d).

CHAPTER 3. PROVISION OF CONSTRUCTION AGGREGATES

Paragraph 3.5.1 Accuracy of the Past Forecasts of Sand and Gravel Demand

Objection No. 1015 Mid Suffolk District Council

Summary of objection

1.359 The statements set out in paragraphs 1.8.1, 3.5.1, Fig. 2, 3.5.5, 3.7.1 and Table 7, indicate that the MPA is prepared to await review of MPG6 in 1999 before the SMLP is reviewed. In order to reduce pressure on the non-allocated sites the EAAWP should be invited to bring forward its review. It is suggested that in paragraph 3.5.1 (4th line) ‘in 1999’ should be deleted from the last line after ‘AM exercise’, and replaced by ‘currently’; and after ‘1997’ add ‘and which should now be undertaken as soon as possible to reflect changed circumstances’.

Inspector’s considerations and conclusions

1.360 The objection asks for the review of the AM Survey to be brought forward and for the MPA to urge this upon the EAAWP. The next review of the AM Surveys is planned for to be carried out in January 1998 (paragraph 7.2 of CD.D9), and may be published in the autumn of 1998. In view of the fact that my report will not be received by the MPA until after the review is programmed to begin, I consider that no action need be taken in response to this objection.
RECOMMENDATION

1.361 No modifications be made to the SMLP in response to this objection.

Objection Nos. 0551 SAGA; 0563 Ennemix Construction Materials Ltd; 0575 Brett Gravel Ltd; 0636 Ightham Sandpits; 0676 Redland Aggregates Ltd; 0708 BACMI; 1301 GO-ER

Support No. 1235 Cambridgeshire County Council

Summary of objections

1.362 i. The policy should include a commitment to maintain throughout, and at the end of, the plan period a landbank of permitted sand and gravel reserves sufficient for at least seven years extraction, in line with the guidance in paragraphs 63-64 of MPG6 [0551, 0575, 0676, 0708].

ii. Whilst the guidance in MPG6 does not require that resources are identified at plan preparation stage to maintain the landbank for the period beyond the end of the plan period, there appears to be no discussion in the Plan of where necessary resources might be drawn from, so that the landbank can be sustained at the end of the plan period. This point should be addressed in the Plan, in the light of the guidance set out in paragraph 64 of MPG6 [0563, 1301].

iii. The agreed sub regional apportionment figure for the provision of aggregates is an indication of the problem to be faced, it is not a target. The market is the best mechanism for allocating scarce natural resources to alternative ends in accordance with the Government’s policy of economic development through a deregulated competitive market. Delete the policy with all reference in supporting text to agreed figures [0636].

Inspectors considerations and conclusions

1.363 The MPA propose to change this policy through the introduction of a reference to maintaining a landbank (PDA60 - CD.B24). The proposed change has been open to full public consultation and has attracted no counter objections. I will take it into account in my consideration of these objections.

1.364 MPG6 gives clear guidance as to how a minerals planning authority should make provision for sand and gravel production within their area. Although there are objections to the details of the SMLP, I am satisfied that in most respects the approach pursued by the MPA generally follows that guidance. On the basis that the MPGs and PPGs have been published by the Government, and have been written within the context of the Government’s economic policies, I find it very difficult, if not impossible, to understand the point made by Ightham Sandpits that Policy SMLP6 is not in accordance with those policies.
1.365 The purpose of this part of the Plan is to ensure that adequate production capacity will be available in the County up to, and beyond, the end date of the Plan. The capacity figures used are not a target, but are indicative figures for the purposes of preparing development plans. The figures in the SMLP are a proportion of the estimate made by the Government and the EAAP of the likely needs arising in the region. Mineral production is not a lead industry, it only responds to the level of activity in other sectors of the economy. If there is a recession in the construction industry then the demand for aggregates falls and it would only rise again when the construction industry recovered. The objector’s references to a command economy are, in my view, entirely misplaced and misconceived. The figures given in MPG6, and carried through into this Plan at County level, are a reassurance to the industry that sufficient material will be available if the demand arises. Within this guidance the industry and market forces are able to operate freely, so far as the planning system allows. I do not consider the Plan should be modified to take account of this objection.

1.366 It is proposed to change the policy to include references to the need to maintain a landbank. I consider this is necessary, and the proposed change would satisfy SAGA and BACMI, who have conditionally withdrawn their objections on the basis that the Plan is modified accordingly. I also consider that, in broad terms, this would satisfy the objections made by Brett Gravel Ltd and Redland Aggregates Ltd. I support the principle of the proposed change, but I consider it should delete the reference to exceptional circumstances as it undermines the strength of the policy and may be seen as an opportunity not to pursue the aims of the policy as actively as possible. If monitoring exercises reveal that the aim is not, or cannot be achieved, that would be the moment to examine the reasons why, and to look into any justification based on a claim of exceptional circumstances at that time.

1.367 SCSP Policy MP1 indicates that the County Council will maintain a landbank sufficient for 10 years production. With an end date for the Plan of 2006, this suggests a landbank should be identifiable for up to the year 2016. The SMLP6 policy of maintaining a 7 year landbank may be in conformity with Government advice, but it would be at variance with the County Council’s own policy on the subject. I do not consider that a further change is necessary to the SMLP policy, but the supporting text should explain the apparent discrepancy between the SCSP position and that given in the SMLP.

1.368 On the point made by Ennemix Construction Materials Ltd and GO-ER, I consider that the relevant part of the Plan to give guidance on the landbank beyond the plan period would be either as part of, or to follow, Policy SMLP7. I do not consider Policy SMLP6 should be modified to take account of these objections.

RECOMMENDATIONS

1.369 i. The SMLP be modified in accordance with proposed change PDA60, as set out in the schedule of post deposit amendments, CD.B24.

ii. The SMLP be further modified by the deletion of the words UNLESS EXCEPTIONAL CIRCUMSTANCES PREVAIL from the modified Policy SMLP6.

iii. The supporting text be modified to explain the commitment to a 7-year landbank given Policy SMLP6 as proposed to be changed, having regard to the commitment to a 10-year landbank in Suffolk County Structure Plan Policy MP1.
Section 3.7 The Future Requirement for New Sand and Gravel Working Areas

Objection Nos. 0168 Waveney District Council; 0501 Ramblers Association; 0552 SAGA; 0564 Ennemix Construction Materials Ltd; 0576 Brett Gravel Ltd; 0637 Ightham Sandpits; 0677 Redland Aggregates Ltd; 0689 D D Kent; 0709 BACMI; 1022 Mid Suffolk Friends of the Earth; 1077 Atlas Aggregates Ltd; 1136 Suffolk Preservation Society; 1350 Tarmac Quarry Products (Southern) Ltd.

Counter objection No. 3034 BACMI

Summary of objections

1.370

i. The interpretation of sustainable development as adopted by the Suffolk County Council in the Minerals Local Plan is questioned. The objector's view is that the overall demand for minerals needs to be reduced. The level of demand for aggregates put forward in the Local Plan is questioned. It is also considered that the Local Plan should have, at least, explored reducing demand by placing a greater emphasis on the use of recycled and secondary materials. Should either of these two approaches been investigated, then potentially it might have been concluded that the need to even consider the use of sites for mineral working in areas of sensitive landscape was unnecessary [0168].

ii. Demand for sand and gravel has been less than expectations, and Table 7 shows that for the first three years of the plan period actual demand (4.81mt) was only % of the forecast demand. Forecasts therefore seems to represent a "worst case scenario", and could be well over 100% more than the likely demand [0501].

iii. The total plan shortfall is 40.84mt, taking account of the need to allow for a 7 year landbank after 2006 plus a flexibility allowance. The policy should be reworded: "...with planning permission for minerals working for at least 7 years throughout and at the end of the plan period. The landbank will be at least sufficient to supply sand and gravel to meet the agreed sub regional appointment..." [0552, 0576].

iv. The Plan does not include a safety margin to allow for the necessary flexibility where sites may not come forward during the Plan or do not yield expected volumes of material. In a tight fit site specific Plan such as this one, the arithmetic should encompass a 33% safety margin. The safety margin would be necessary because there may be instances throughout the life of the Plan where identified sites do not come forward for development or do not yield the expected volumes of material for whatever reason [0552, 0564, 0576, 0677, 0709, 1350].

v. The Plan under-provides for future sand and gravel working because it does not allow for the maintenance of a 7 year landbank. In line with the Government's requirement that Minerals Local Plans provide for a 7 year landbank throughout the plan period, the Plan's supply arithmetic should incorporate a 7 year landbank to be made available at the end of the plan period (in line with para 64 of MPG6). Further sites should therefore be included in the Plan [0677, 0709, 1077, 1350]. PDA60 does not meet the objection [3034].
vi. The minimum 7 year landbank should not only be provided for during the plan period but also at its end. The Plan identifies a forecast demand of 31.64 mt to be provided for over the period 1995 to 2006. Total permitted reserves are stated to be 17.94 mt, proving a shortfall of 13.7 mt. However, this does not take into account the landbank carry forward provision, and in consequence, substantially understates the requirement which should be stated as 30.7 mt [0564].

vii. The allocated sites in SMLP7 are estimated to yield 17.5 mt, therefore a further allocation of 23.34 mt is required for the 7 year land bank and an allowance for flexibility. The policy and sections 3.7 and 3.8 should be revised accordingly to allow more sites to come forward within the plan period, through additional specific sites, preferred areas or areas of search [0576].

viii. There is no indication of the rationale used in allocating the sites identified in SMLP7 nor any indication of how alternative sites may be chosen in the eventuality that not all the specific sites identified in SMLP7 are developed in accordance with the Plan. The Environmental Appraisal in Appendix 1 does go some way to addressing this issue, however, it does not state clearly how sites have been identified nor does it indicate how alternative sites will be identified. The Plan should be revised to clarify the rationale used in identifying sites for inclusion in the Plan. A new paragraph should be added to say: '3.7.7 The environmental statement in Appendix 1 sets out the criteria by which sites have been judged for inclusion in the Plan' to be followed by new text in Appendix 1 [0637].

ix. The forecast demand for sand and gravel extraction is based on outdated figures which are currently not being met and are unlikely to be met in the more realistic construction market, taking into account particularly Government cutbacks in road building [0689].

x. The Plan should include an "over provision" factor in order to ensure adequately flexibility - 30% is a realistic level. This covers all eventualities likely to arise during the planning process such as i) specific sites not coming forward for one reason or another, ii) a reduction in the area to be worked due to environmental constraints, and iii) a shortfall in the estimated reserves in a site / sites. Ownership problems may also arise [1077].

xi. The figures in para 3.7.6 should be clearly expressed in table form [1077].

xii. Although the MPA say that demand for sand and gravel continues to be lower than forecast in the County, few of the figures have been revised to take into account this trend. The Plan's forecast figures are an over-estimation of aggregate demand and have led to an over-provision of sites to meet this tonnage [1136].

Inspector's considerations and conclusions

1.371 The MPA propose several changes to this section of the Plan. PDA52(part) (CD.B5) introduces several minor textual changes to paragraph 3.7.1. PDA61, PDA62, PDA63, PDA64 (CD.B24) variously up-date Table 7 and the following text, including the deletion of paragraph 3.7.4 and the renumbering of subsequent paragraphs. All of the proposed changes have been subject to full public consultation, and have attracted one counter objection. However, PDAs 61, 62, 63, and 64 have been superseded by PDA110 (CD.B34), which updates these passages of the Plan to take account of monitoring returns up to January 1997. PDA110 has not been open to full public consultation, but it has been available as a
core document of the inquiry and I have not been made aware of any adverse comments. Consequently, I propose to take the proposed changes into account, including PDA110, in my consideration of these objections.

1.372 The objections fall into several themes or categories, some arguing for an increase in the quantity which the Plan should provide for, and others making a case for greater provision. I will deal with the various themes under separate sub-headings.

1.373 It may be helpful if the competing views were presented in a table, to set out the range of predictions under discussion. This is set out on the following page.

### COMPARISON OF CALCULATIONS OF PREDICTED DEMAND

<table>
<thead>
<tr>
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<th>SMLP (PDA110)</th>
<th>Atlas Aggregates</th>
<th>BACMI</th>
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<th>Redland</th>
<th>SAGA</th>
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<td>17.01</td>
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<td>21.28</td>
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<td>16.49</td>
<td>17.99 (?)</td>
<td>17.94</td>
<td>17.94</td>
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<tr>
<td>Sub total (balance)</td>
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<td>27.25</td>
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<td>8.99</td>
<td>-</td>
<td>10.13</td>
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<tr>
<td>TOTAL TO BE PROVIDED FOR</td>
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<td>30.21</td>
<td>36.24</td>
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<table>
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<th>From other sources, recycling etc.</th>
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</table>
Objections arguing the Plan over-estimates the tonnage required.

1.374 It is of at least passing interest to note that none of the objectors who are seeking a reduction in the Plan's allocations have objected to Policy SMLP6. This could be taken as an indication that they are content for this to remain as a policy of the Plan. SMLP6 undertakes to provide a landbank at least sufficient to maintain the County's share of the regional apportionment. However, Waveney District Council, Ramblers Association, D D Kent, and Suffolk Preservation Society argue that the Plan is based on an over-generous assumption on the amount of sand and gravel which will be needed. The Plan's allocation is based on figures which were prepared in a period of untypical growth in the economy, and experience over the past three or four years has shown that actual demand has significantly fallen below the forecast figure. The MPA have been pursuing a "predict and provide" strategy, but this has been shown to be out of line with recent events.

1.375 The Plan carries forward a forecast of demand which was based on the AM89 survey, albeit updated in MPG6 (CD.A15) by 1992 figures, as the regional allocation for East Anglia, subsequently apportioned between Cambridgeshire, Norfolk and Suffolk through the workings of EAAWP. I accept, as does the MPA, that the actual demand figure has fallen below the figures foreseen at the time of apportionment. However, the forecast does not purport to be accurate on a year-on-year basis; it is an average figure, around which demands may rise and fall depending on the state of the economy. Whereas in recent years the demand has been low, I consider it may be just as likely to be high in subsequent years.

1.376 The objectors point out that since 1989 there has been, amongst other things, a down turn in house building, a cut back in the road building programme and a change of Government policy on out-of-town and town centre developments. It is argued that these will keep the demand for sand and gravel below the forecast level. However, these views are not based on firm predictions; and have not been arrived at through a thorough examination of the regional, let alone national situation. The arguments are only interpretations of events and policy changes. In my view, the objectors are putting forward their own version of a predict and provide approach, not necessarily based on the same range of assumptions that led to the MPG6 figures, and it is just as likely that, over the plan period, these could be too low in the same way as the MPG6 figures are claimed to be too high.

1.377 The identified sites have attracted many objections, but these are generally based on local considerations; given the geology of the County and the distribution of sand and gravel deposits, I consider that the forecast figures are achievable. I do not consider the arguments put forward by the objectors are compelling enough to regard them as exceptional circumstances to justify a variation from the figures derived from MPG6.

1.378 Waveney District Council and the Ramblers Association have misunderstood the basis of the figures used in the Plan in that they have argued for a reduction in the figure not only to take account of the recent down-turn in demand, but they have also seek further reductions to allow for materials derived from recycling, marine dredged and imported sources. MPG6 has taken these into account before making its allocations; the figures relate solely to new, land-won aggregates.

1.379 The base figures for MPG6 allocations may have pre-dated the Government's adoption of the current sustainability strategy, but MPG6 itself was published after the strategy was adopted, and no evidence was presented at the inquiry to show that the MPG6 figures had failed to take account of the Government's own sustainability strategy. Other policies, both
in the MPGs, (mostly MPG1 and MPG6) and the SMLP promote the Government’s sustainability strategy, and I do not see the figures used as the basis for the Plan’s estimates of demand to be incompatible with that strategy. If demand is reduced or suppressed through conservation, recycling or use of secondary aggregates then this would be a bonus, which would have the effect of delaying the start of some new sites, or extending the life of others. But I do not consider the objectors have put forward a supportable case to reduce the allocation of potential sand and gravel sites.

1.380 In view of the fact that it is based directly upon Government guidance on the subject I support this policy and, subject to minor revisions, I consider it should remain in the Plan. I therefore consider that it would be inconsistent to accept arguments which seek to reduce the Plan’s commitment, and only to make allowance for a figure below the apportionment figure.

Landbank arguments

1.381 The MPA have accepted that, following the advice at paragraphs 62-64 of MPG6, the Plan has to make allowance for a landbank, and have put forward a proposed change to Policy SMLP6 to take account of this (PDA60 - CD.B24). I support the proposed change and recommend that the Plan be modified accordingly. The MPG also advises that MPAs should be able to demonstrate that such resources can be brought forward should it be necessary. I do not believe that the Plan does this, either in terms of identifying a likely quantity, or in identifying sites, preferred areas, or even areas of search. I consider this is a serious shortcoming of the Plan.

1.382 With an end date of 2006, these provisions will have to come into effect as early as 1999. However, MPG6 advises that it is not necessary for resources to be identified at the time of plan preparation for a long-term landbank. The MPA say that they will commence a review of the Plan in 1999, as part of the Minerals and Waste Local Plan, which will take account of the new AM survey figures. However, in view of the fact that the consultation stage of the SMLP was carried out in 1994, and it is unlikely to be adopted until at least 1998, the review of the Plan may not be in place until 2003; that is, four years into the post-plan 7 year landbank. I agree with SAGA, Ennemix Construction Materials, Brett Gravel Ltd, Redland Aggregates Ltd., BACMI, Atlas Aggregates Ltd., and Tarmac Quarry Products (Southern) Ltd that it is unrealistic for the SMLP not to make provision for the landbank in statistical terms. Policies of the Plan can, of course, identify how much of the allocation is for the plan period and how much for the longer-term view. The policy may also show how the release of these landbank sites is to be controlled if, for environmental, amenity, highway or ecological reasons, it is considered inappropriate to have too many sites open for production at any one time.

1.383 I accept that one of the possible consequences of the next review of the AM figures may be a reduction in the predicted rate of consumption. If this is the case, the review of the SMLP will take this into account; being the more up-to-date plan it would supersede the SMLP and, if the SMLP allocations are seen to have been too great, in the context of a reviewed plan based on lower predictions of need, the capacity of the identified and unworked areas would represent a longer-term reserve. Consequently, I do not agree with the MPA’s position that the SMLP need take no account of the quantities needed for the longer-term landbank because a review of the Plan is programmed to begin in 1999.
1.384 Paragraph 81 of MPG6 advises that the landbank should be based on either a straightforward projection of the requirement upon which the Plan was based, or an average of the last three years production multiplied by the appropriate number of years. There was only limited debate on this point at the inquiry, but the industry clearly favours the first of these approaches. The MPA did not put up firm arguments to say that the second method was more appropriate.

1.385 PDA60, which I support, acknowledges the need to make provision for a 7 year landbank, but the Plan gives no indication of how large this should be. In my view, there are two options; it could be calculated on the basis of a projection of the SMLP base figure of 2.43mt per year; i.e. 17.01mt. I consider this should be the initial assumption for the Plan. However, paragraph 66 of MPG6 advises that the MPA and the industry should work together through the regional aggregate working party to arrive at a figure for the landbank. If discussions through EAAWP agree on an alternative figure before the modifications to the SMLP are placed on deposit, this figure may be used instead as the basis for the necessary modification to the Plan to show quantity to be allowed for the landbank. Paragraphs 81, 82 and A4.6 of MPG6 may be relevant to these discussions.

1.386 Because MPG6 allows for various means of allowing for a landbank, I do not consider it is necessary to add this to the figure for which the SMLP needs to identify sites. I take the point further forward under my discussion of objections to Policy SMLP7.

Flexibility allowance

1.387 Despite the criticism made by some objectors that the Plan is based on a 'predict and provide' basis, neither the objectors nor the MPA have contended that the projections are accurate predictions of the likely consumption, nor can there be confidence that the identified sites will produce the estimated amount of sand and gravel, or that all of the sites will come into production during the Plan period. There is, therefore, a cogent argument that supports the need for some form of flexibility to be built into the Plan to allow not only for market fluctuations, but also geological and developmental uncertainties.

1.388 The aggregates companies have argued for a percentage figure over and above the allocation figure for the plan period. Other objectors argue that, in view of the decline in demand in recent years and the current enthusiasm for aggregates from alternative sources including recycling, the allocation figures are too large and should be reduced to below those given in the Plan. At the inquiry the MPA took a middle line, arguing that the allocation figures were likely to allow for a production level in excess of the recent pattern of actual sales. Irrespective of the theoretical allocations, the producers will only extract what they can sell and, if the recent trend continued, there would be a degree of flexibility within the allocated figure anyway. Further, as promoted by the MPA, the Plan has identified reserves some 2.5mt in excess of the theoretical need.

1.389 Taking the sales figures given in Table 7 (PDA110), the average annual sales over the past 5 years has been 1.68mt, or 69% of the County's agreed share of the regional apportionment. If this trend continued, the 28.04mt allocation figure would be some 9mt in excess of possible sales. With 17.36mt of permitted reserves, and 13.2mt allocated in the Plan, this would give 11.56mt excess capacity, some 60%, which could be regarded as flexibility. However, as discussed above, there can be no confidence that this pattern of sales will continue; growth in the regional economy or fluctuations in supplies from other
sources may stimulate demand to meet or even exceed the apportionment's average annual figure. Indeed, the PPG6 apportionments are based on 1992 figures, and hence have, to some degree already taken account of the down-turn in demand. However, from this evidence, it is my view that the sales figures are more likely to undershoot the allocation figure than exceed it. In which case, I consider it would not be necessary to make a specific allocation for flexibility above the agreed share of the regional apportionment, particularly if there are other means in place to act as a safeguard.

1.390 It would be complacent not to have a contingency strategy in place should either demand begin to outstrip supply within the East Anglia region as a whole (which is something the EAAWP monitoring returns should be able to identify fairly readily) or, for all the reasons given above, insufficient sites actually come into production from the identified list. Although the submitted objections from the producers generally argued that a flexibility allowance of 30-33% should be added to the allocation figure, at the inquiry it was accepted by Atlas Aggregates Ltd, BACMI and SAGA, that areas of search identified on the Proposals Map for longer-term needs, (ie the 7-year land bank) would be an acceptable alternative to a specific flexibility allowance. I agree with this view, and consider that the Plan should be modified accordingly. Without any evidence on where the likely areas of search might be or their extent, I am unable to make a recommendation as to which areas should be included. These will have to be the subject of a consultation exercise at modification stage.

Identification of selected sites

1.391 Ightham Sandpits make two points. Firstly, Policy SMLP7 recognises the possibility that not all of the identified sites will come forward for development during the Plan period. Criteria (b) and (e) of SMLP7 provide a basic policy guidance for this situation. If the Plan is modified to take account of my view that areas of search for the long-term landbank and flexibility should be identified, the policy to support the areas of search and to control their release might the appropriate place to include reference to the possibility of sites having to be found in the areas of search to meet the eventuality highlighted by the objector.

1.392 Secondly, I agree that it would be helpful if the Plan specifically referred to the procedure used to select the identified sites under Policy SMLP7. Rather than extend section 3.7, I consider the appropriate place for this would be paragraph 3.8.1, and I carry the point forward under paragraph 1.418 below.

Other matters

1.393 In view of the fact that, apart from my conclusion there is the need to identify areas of search, I agree with the MPA over their approach to calculating and expressing the County’s requirements. I also agree there is no need for the calculation to be expressed in the form of a table. The presentation given in paragraph 3.7.4 (as proposed to be changed in PDA110) is sufficient, subject to it being revised to take account of my comments on the potential yield of the identified sites, as discussed in Part 2 of this report.
RECOMMENDATIONS

i. The SMLP be modified in accordance with proposed change PDA110, in so far as it affects Section 3.7, as set out in the schedule of post deposit amendments, CD.B34.

ii. Paragraph 3.7.4 be further modified to take account of revised estimates of the yield of the identified sites. (See part 2 of this report).

iii. The Mineral Planning Authority discuss the size of the landbank with the East Anglia Aggregates Working Party (EAAWP), and the SMLP should be modified by the inclusion of a new paragraph 3.7.5 to give a guide figure on the size of the landbank and how this has been calculated. This should be either 17.01Mt, derived from a projection of the SMLP base figure, or an alternative figure agreed by the EAAWP.

iv. The SMLP be modified by the identification of areas of search on the Proposals Map.

Objection No. 0265 R & P Baker

Summary of objection

1.394 Table 8 should include reference to the sand and gravel site at Broomhill Lane, Woolpit as a site with extant planning permission for sand and gravel working.

Inspector’s considerations and conclusions

1.395 From the information provided by the MPA in their response to this objection it seems that this site does not have a planning permission for sand and gravel working which is capable of being implemented. The objector has not refuted the MPA’s explanation. In which case, I can only conclude that it would be inappropriate for the site to be included in Table 8 as there is, in effect, no planning permission here for sand and gravel working.

RECOMMENDATION

1.396 No modifications be made to the SMLP in response to this objection.
SMLP7 Proposed new Sand and Gravel Working Areas

Objection Nos. 0401 9 Finch & Ollett Aggregates; 0638 Ightham Sandpits; 1302 GO-ER

Support Nos. 1131 Suffolk Preservation Society; 1263 Essex County Council

Summary of objections

1.397 i. The MPA has no statutory authority to refuse to permit planning applications. There is no support in legislation, national planning guidance or elsewhere for a policy in which the MPA specifies individual sites where mineral extraction will be allowed and then precludes proper consideration of any other application for mineral extraction during the plan period. It is unacceptable for the MPA to unilaterally rule out mineral working in every other area of the County. Both MPG1 and PPG1 advise that development should be allowed unless it would cause demonstrable harm to interests of acknowledged importance. Policy SMPLP7 seeks to turn that fundamental principle on its head and to require the applicant to prove the need for the development proposed. The second part of Policy SMPLP7 should be amended to indicate that applications on sites outside the identified areas will be determined on their own merits, and taking need into account [0401].

ii. This policy fails the test of sustainable development. The sites indicated in this policy have been chosen from a flawed methodology that is short-sighted and fails to account for the longer term needs of society. No account is taken of possible beneficial after uses for minerals development in identifying sites for inclusion in the Plan. This policy conflicts with the Government’s objective of promoting economic development through a deregulated market that encourages competition. The policy should be deleted and replaced with a new policy that conforms to the principles of sustainable development and economic development [0638].

iii. The second half of this policy establishes the (limited) circumstances in which the authority will consider granting permission for sand and gravel working outside of the specific sites and the Preferred Area identified in the Plan. Some allowance should also be made for any development proposals which might offer environmental advantages or benefits over an area(s) identified in the Plan, in line with the guidance set out in paragraph 62 of revised MPG1, published 11 June 1996 [1302].

Inspector’s considerations and conclusions

1.398 This policy includes a list of specific sites, but I will only deal with the wording of the policy here. The objections to the sites listed in the policy are dealt with in Part 2 of this report.

1.399 The MPA put forward several proposed changes to this policy to take account of at least some of these objections, and to reflect a reappraisal of some of the identified sites.

* This objection has been further sub-divided as 2001, 2002, and 2003
PDA29, PDA30 (both in CD.B5) and PDA65 (CD.B24) were open to full public consultation and did not attract counter objections. Subsequently, PDA100 (CD.B28) superseded these earlier proposed changes and this, in turn, has been partially superseded by PDA106 (CD.B28). Although these later proposed changes have not been open to full public consultation, they have been available for public inspection as core documents of the inquiry, and I have not been made aware of any adverse comments. Accordingly, I will take these later proposed changes into account in my consideration of these objections.

1.400 Whereas a pro-active approach to identifying sites is advocated by Ightham Sandpits, I do not consider that the MPA’s approach is contrary to Government advice. The principles of sustainable development included in MPG1 are essentially protectionist or preservationist, and I consider this policy is generally in accordance with that advice. For the objector’s approach to be achieved, it would require the MPA to have comprehensive knowledge of all deposits, all sites, and all possible future end uses. The MPA would then have to positively direct operators to selected sites and require development to take place according to a pre-determined plan. Such an approach is beyond the powers of a planning authority in England and Wales.

1.401 As advised at paragraph 53 of MPG6 (CD.A15), the SMLP cannot be prescriptive, it can only create the conditions for the market to bring about appropriate development. In my view, the scope of the SMLP is limited to establishing the appropriate policy context within which development may take place, and facilitating or influencing the wishes of landowners and developers so that a beneficial after-use may be achievable. Subject to my considerations and recommendations throughout this report, I consider the SMLP has followed the Government advice relating to the preparation of plans to accord with its strategy on sustainable development, and I do not consider the Plan should be modified to take account of this objection.

1.402 The points made by Finch & Ollett Aggregates Ltd and GO-ER are essentially the same. Although the Plan has followed appropriate guidance in identifying sites which are seen to have the capacity to meet the County’s share of the regional apportionment within the plan period, the advice at paragraph 62 of MPG1 indicates that it is not acceptable to entirely preclude the possibility of planning permissions on other sites.

1.403 In my view, it is reasonable for the MPA to rely upon the identified sites, having followed the advice and guidance in MPG6. The second part of this policy does make some allowance for working elsewhere, but on a restricted basis. However, the MPA acknowledges that it does not have comprehensive knowledge of all possible sites or deposits across the County, and hence it is unreasonable to rule out the consideration of other sites which may have benefits over the sites identified in the Plan. I do not agree with the MPA that positive consideration of sites which meet the criteria alone would be sufficient. With the obligation under Section 54A of the Town and Country Planning Act 1990 to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise, all other sites would have to be regarded as exceptions to the Plan.

1.404 If the MPA accept, which their response to this objections seems to, that applications for other sites are likely to be made and will have to be considered, then I consider it is unhelpful for all concerned if there is no policy context for those considerations. To have to rely upon exceptional circumstances as justification for a planning permission would not
give confidence to either prospective developers or the public, as the determination of such applications would become unpredictable and open to abuse or unreasonable or excessive resistance to proposed schemes. The criteria based element of the policy provides guidance on the circumstances where further planning permissions would be granted, and I consider it should be retained. I also consider that the policy should be augmented by an additional element which acknowledges that other sites may be granted planning permission, albeit subject to stringent criteria.

1.405 I am not entirely sure if Finch & Ollett Aggregates Ltd are suggesting that such additional sites should be justified on the basis of need for the mineral. Paragraph 40 of MPG1 advises that a development plan should not include policies which require developers to provide evidence on need to support an application. However, need may become a material consideration in the determination of the application, taking account of the availability of sand and gravel from the identified sites.

1.406 As a general comment, it is my view that, as the strategy of the Plan relies upon specified sites being brought into production, the preliminary statement of the policy should be worded more positively. I consider it is inadequate to say simply that the MPA would ‘give consideration’ to planning applications in these areas. Indeed, this would be no more than its statutory duty to consider all planning applications. I recommend a more positive wording. Secondly, I agree with Finch & Ollett Aggregates Ltd that the subsidiary clauses of the policy should more properly be called criteria, rather than caveats.

1.407 I will consider the objections made to the criteria of the policy before coming to my recommendation.

Objection Nos. 0639 Ightham Sandpits; 1078 Atlas Aggregates Ltd; 2001 Finch and Ollett Aggregates

Summary of objections

1.408 i. The notion that only a replacement or extension for an existing operation may be granted planning permission conflicts with the principle of free competition. The existence of other players in a market and the knowledge that they are able to return a profit is the primary market indicator that encourages competition. Preventing new operators from entering a market conflicts with the Government’s economic policy. The policy should be deleted together with all reference to existing sources of supply [0639].

ii. This criterion is a subjective restriction. Clarification is needed as to whether ‘small scale’ relates to a certain proportion of existing area and whether this same proportion would apply to all quarries [1078].

iii. This criterion interferes with and inhibits competition between owners and investors in land, contrary to national guidance and the fundamental principle under which the planning system operates, by seeking to restrict permission (other than those on land selected by the MPA) to those who already operates a quarry or can identify one which is
about to cease operations. The criteria based section of the policy should be deleted and replaced by a policy which would allow consideration of sites, on their individual merits, other than those specified in the Plan [2001].

Inspector’s considerations and conclusions

1.409 The points made by Finch & Ollett Aggregates Ltd and Ightham Sandpits are essentially the same, and are an extension of the objections considered above relating to the lack of a policy to provide a context for consideration of applications on sites other than those specifically listed in the policy. I have come to a conclusion on this in paragraph 1.404 above. These objections would be satisfactorily addressed if the additional element to the policy suggested by me were included in the policy (see my recommendations below), as it would give the opportunity for other developers or landowners to enter the market, allowing for an element of free competition within the proper constraints of the planning process.

1.410 The objection made by Atlas Aggregates Ltd was met by PDA30, but this has not been carried through into PDA100. The MPA makes no comment either as to why the proposed change was made in the first place, or why it has apparently now been withdrawn. I consider that the proposed change is a useful revision, giving clear guidance on the policy of the MPA, and it should be included as a modification to the Plan.

Objection Nos. 0640 Ightham Sandpits; 1096 Atlas Aggregates Ltd; 2002 Finch and Ollett Aggregates

Summary of objections

1.411 i. The policy conflicts with the Government’s programme for economic development through free competition. The purpose of the planning system is to identify land that is fit for the purpose for which development rights are being sought. It should not work to prevent new operators from entering a market on the pretext that existing companies can supply demand. The policy should be deleted together with all reference to existing sources of supply [0640].

   ii. Criterion (b) places a requirement on an applicant to make assumptions about allocated or permitted sites over which it may have no control. This should be deleted [1096].

   iii. The criterion seeks to require an applicant to "demonstrate" what no applicant will be able to demonstrate, because to do so would require him to have detailed knowledge of every currently-approved sand and gravel extraction site. This is commercially sensitive information not necessarily available to the mineral planning authority, much less to an applicant for planning permission. Criterion (b) infers that applicants for permission should be aware of the nature of material in all approved sites and the contribution they make to meeting estimated demand, so that they can demonstrate an unmet need. The criterion also implies that demand should be met and no more, thereby inhibiting competition between owners and users of land contrary to national guidance from the Secretary of State. The
requirement of MPG6 is to provide a minimum landbank, not to provide precisely that landbank so that supply matches demand. The Plan itself stresses that the relevant quantities are not to be regarded as production targets. There is, therefore, no justification for a Policy which artificially sustains the high price of minerals by reducing competition to supply them by setting out to merely meet demand. The criteria based section of the policy should be deleted and replaced by a policy which would allow consideration of sites, on their individual merits, other than those specified in the Plan [2002].

Inspector’s considerations and conclusions

1.412 The objections from Finch & Ollett Aggregates Ltd and Ightham Sandpits are extensions of their basic objections to this policy which, in their eyes, unreasonably restricts competition. I have considered this point and, to some degree, agree with it and have come to the view that the policy should be revised to accord with the advice in paragraph 62 of MPG1.

1.413 As I consider it is appropriate to retain the criteria based element of the policy, it is necessary to examine criteria (b) against the points made by Finch & Ollett Aggregates Ltd and Atlas Aggregates Ltd. The criteria places a requirement upon an applicant to demonstrate need. The objector identifies several difficulties which this would present for an applicant. For the extensive reasons given by Finch & Ollett Aggregates Ltd I consider these would be very difficult, if not impossible, for an applicant to overcome. Indeed, the MPA acknowledge this in their response to these objections. I consider this makes the requirement unreasonable. Furthermore, paragraph 40 of MPG1 (CD.A11) specifically says "MPAs should not include development control policies in their plans which require developers to provide evidence on the need for the mineral in support of their planning application". In which case, the criteria is not only unreasonable, but it is also directly counter to Government advice. Accordingly, I consider that it should be deleted from the Plan.

Objection Nos. 0641 Ightham Sandpits; 2003 Finch and Ollett Aggregates

Summary of objections

1.414 i. None of the sites included in the Proposals Map indicate that they have been identified to prevent sterilisation of known minerals development resulting from other forms of development. All sites in the County that are known to contain minerals reserves should be reappraised to identify which ones might have to be developed prior to other forms of development [0641].

ii. It is not necessary to make avoidance of sterilisation into a mitigating circumstance to justify mineral extraction where it would not otherwise find favour with the Council. If such circumstances apply, they will be a material consideration in any planning decision for mineral extraction regardless of criterion (c) or its policy context. The criteria based section of the policy should be deleted and replaced by a policy which would allow
consideration of sites, on their individual merits, other than those specified in the Plan [2003].

Inspector’s considerations and conclusions

1.415 I do not agree with Finch & Ollett Aggregates Ltd. I consider that this criteria does not diminish the importance of ensuring that reserves which underlie land which is to be built over may be extracted prior to the development taking place. In view of the fact that I consider the criteria based element of the policy should remain (see paragraph 1.404) it is appropriate to include a reference to this opportunity for a planning permission.

1.416 Neither do I agree with the point made by Ightham Sandpits. I do not think it appropriate or even worthwhile for the MPA to examine every potential development site which is underlain by sand and gravel deposits to identify which ones could be included as a proposal of this Plan. Even if the geological information was available, this would also require the MPA to have detailed knowledge of the intentions of the owners of the sites identified. The planning system cannot require sites to be developed and hence it would be totally unsupportable for the SMLP to take account of such sites in its assessment of production capacity within the plan period. The policy represents a useful contingency and should be retained.

Other matters

1.417 The sub-heading for section 3.8 has not been the subject of an objection, but it only refers to sand working areas, whereas the following text refers to sand and gravel working. I consider the sub-heading should be revised to properly reflect the subject of this section of the Plan.

1.418 The MPA has proposed changes to paragraph 3.8.1 (PDA110 - CD.B34). The proposed changes have not been open to formal public consultation, but they have been available for inspection as a core document of the inquiry, and an earlier version (PDA107) was referred to in the discussion at the first round table session of the inquiry. I consider the proposed change is uncontentious and should be incorporated into the Plan, subject to any necessary revision of the tonnage potentially available in the identified sites, taking into account my comments in Part 2 of this report relating to those sites. Also, bringing forward the point raised by Ightham Sandpits in their objection to Section 3.7. I consider paragraph 3.8.1 should include a reference to the methodology used by the MPA to select the identified sites listed in the schedule to Policy SMLP7. However, PDA110 includes a reference to a preferred area which, with the reassessment of P14 as a proposed new site, is no longer included in the list of sites under Policy SMLP7, as proposed to be changed by PDA100.

1.419 There has been no objection lodged to criterion (e). Whilst the purpose of this element of the policy is unobjectionable, I do not consider it is good practice to include a direct cross-reference to the structure plan. On the basis that the development plan includes the structure plan and all other district local plans, the final criterion of the policy covers the point anyway.

1.420 Taking forward the point discussed at paragraph 1.368 above, I consider that this is the appropriate point in the Plan to include an indication of how the MPA envisage the landbank can be maintained during the period after the end date of the Plan, as given in
Policy SMLP6. The MPA have put forward proposed change PDA28 (CD.B5), which introduces some guidance on the subject. However, this is only a general commitment to engage in discussions on the subject. In view of the fact that the need to have regard to the landbank may become relevant within a year of the SMLP being adopted, I consider the Plan should include firm policy guidance on the subject.

1.421 The representatives of the industry who attended the inquiry clearly prefer specific sites to be identified, but MPO6 also allows for preferred areas or areas of search to cover the point. There was no clear conclusion on this point at the inquiry, or in the written submissions and hence I am unable to make a specific recommendation, other than to urge the MPA to give consideration to an appropriate modification. The means selected should include a mechanism to control the release of landbank sites having regard to the timing of releases and environmental, amenity, highway and ecological considerations and the Proposals Map should be modified to show the areas of search, if this is the approach preferred by the MPA.

Overall conclusions

1.422 Taking account of all the above considerations, I conclude that the policy should be modified by the revision of some passages, the deletion of one of the criteria and the inclusion of an additional element to cover the possibility of other, more advantageous sites being identified. The Plan should also include a policy statement (ie in bold capital letters) to address both the need to maintain the long term landbank beyond the end of the plan period, and how this will be identified in the Plan either as specific sites, preferred areas, or areas of search. An additional paragraph of supporting text will have to be included to explain the purpose of the landbank sites or areas of search and the mechanism which will be used to control releases of sites from within them.

1.423 In view of the fact that the latest proposed changes have not been open to full public consultation, and because they do not wholly reflect my considerations, I put forward an entirely new wording for this policy and the supporting text.

RECOMMENDATIONS

1.424 The SMLP be modified by:

i. The deletion of the Sub-heading for section 3.8 and its replacement by:

3.8 New Sand and Gravel Working Areas

ii. The deletion of paragraph 3.8.1 and its replacement by:

3.8.1 In seeking to maintain an adequate supply of sand and gravel in accordance with the agreed sub-regional apportionment of demand the County Council has identified the following specific sites from within which sand and gravel should be obtained, subject to planning permission being granted. The sites have been identified by means of an environmental appraisal exercise, as set out in Appendix 1. It has been estimated that these sites contain
approximately 14.11 million tonnes of sand and gravel. Further details of these resources are provided in Chapter 5.

iii. The inclusion of new paragraph 3.8.2 to read:

3.8.2 The Proposals Map also identifies sites / preferred areas / areas of search within which further planning permissions may be granted for sand and gravel working subject to the need to maintain the capacity for the supply of sand and gravel over a 7 year period both during and beyond the plan period, subject to an appraisal of the supply and demand figures in Suffolk and the East Anglia region. Planning permission will only be granted where the quantity of permitted reserves in the County are assessed to be inadequate to maintain the 7-year supply, and where the proposed sites comply with all other relevant policies of the development plan.

iv. The deletion of all the wording of Policy SMLP7 and its replacement by:

POLICY SMLP7

THE COUNTY COUNCIL WILL GRANT PLANNING PERMISSION FOR SAND AND GRAVEL WORKING FROM WITHIN THE FOLLOWING SITES, AS SHOWN ON THE PROPOSALS MAP, SUBJECT TO THE OTHER RELEVANT POLICIES OF THE DEVELOPMENT PLAN.

[Insert list of sites, subject to my considerations in Part 2 of this report]

PLANNING PERMISSION FOR SAND AND GRAVEL WORKING OUTSIDE THE SPECIFIC SITES LISTED ABOVE AND SHOWN ON THE PROPOSALS MAP WILL BE GRANTED WHERE AT LEAST TWO OF THE FOLLOWING CRITERIA, INCLUDING (d) ARE SATISFIED:

a) THE DEVELOPMENT COVERS AN AREA OF GENERALLY LESS THAN 5 HECTARES AND FORMS AN EXTENSION TO, OR REPLACEMENT FOR, AN EXISTING QUARRY;

b) IT CAN BE DEMONSTRATED THAT WORKING IS NECESSARY PRIOR TO OTHER PERMANENT FORMS OF DEVELOPMENT TAKING PLACE IN ORDER TO PREVENT STERILISATION OF SAND AND GRAVEL RESOURCES;

c) THE PROPOSAL IS FOR A BORROW PIT TO SERVE A MAJOR CIVIL ENGINEERING OR ROAD CONSTRUCTION PROJECT

\[10\] Refer to Part 4 of my report for the derivation of this figure.

\[11\] The wording published in the modifications to the Plan should state which of the three options has been selected by the MPA.
d) **THE PROPOSAL DOES NOT CONFLICT WITH OTHER RELEVANT POLICIES OF THE DEVELOPMENT PLAN**

PLANNING PERMISSION FOR SAND AND GRAVEL WORKING FOR PROPOSALS WHICH DO NOT MEET THE ABOVE CRITERIA MAY BE GRANTED WHERE IT CAN BE DEMONSTRATED THAT THE SITE OFFERS SIGNIFICANT ADVANTAGES OVER THOSE SPECIFIED ABOVE AND IDENTIFIED ON THE PROPOSALS MAP IN TERMS OF LANDSCAPE CONSIDERATIONS, ENVIRONMENTAL AND ECOLOGICAL IMPACT, DISTURBANCE TO RESIDENTIAL AMENITY, ACCESS AND HIGHWAY SAFETY, AND WHERE THE PROPOSAL DOES NOT CONFLICT WITH OTHER RELEVANT POLICIES OF THE DEVELOPMENT PLAN.

v. The inclusion of a policy to give clear guidance as to how the landbank for sand and gravel working both during and after the end of the plan period will be maintained by reference to the identified sites / preferred areas / areas of search identified on the Proposals Map. The policy should include criteria to control the release of sites in the area of search taking into account:

- an appraisal of the supply and demand for sand and gravel in Suffolk and East Anglia
- production capacity and permitted reserves
- environmental, amenity, ecological and highway considerations.  

vi. The Proposals Map be modified to show the landbank sites / preferred areas / areas of search.

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**Section 3.8: Assumptions About Other Sources of Aggregates Supply to Suffolk**

a. The Supply of Marine Dredged Sand and Gravel

Objection Nos. 0435 J A McAdam; 1065 ARC Central; 1304 GO-ER

Summary of objections

1.425 i. Dredging for marine aggregates should not be permitted [0435].

ii. Whilst paragraphs 3.9.2 - 3.9.6 refer to the MPA’s acceptance that part of the County’s sand and gravel requirements will be supplied by marine dredged sand and gravel, it is unfortunate that the MPA does not see fit to include a policy which supports the

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12 See also my consideration of objection 0684 below under Miscellaneous Matters.
importation of this material. A new policy along these lines and as a compliment to the land won provisions contained in SMLP7 would be welcome [1065].

iii. National Marine Nature Conservation, fishery management and sea defence policy objectives may impose limitations on the volume of marine aggregates which can be supplied and coastal defence schemes may demand a share of marine aggregates which will limit the amount available for general need. This could be added to the section 3.9.2 - 3.9.6 and reference might be usefully be made to sea defence proposals which may generate aggregate demand in the County [1304].

Inspector’s considerations and conclusions

1.426 The MPA propose to change paragraph 3.9.3 (PDA52(part) - CD.B5), and to extend paragraph 3.9.6 (PDA34 - CD.B5). Both of the proposed changes have been open to public consultation and have not attracted counter objections. I will take the proposed changes into account in my consideration of these objections.

1.427 For the whole of East Anglia region MPG6 (CD A.15) estimates only 10mt (4.4%) will come from sea-dredged sources over the period 1991-2006. This is a relatively small proportion and Suffolk and Norfolk are likely to be the biggest beneficiaries from this source. So, whereas sea-dredged aggregates can make a useful contribution to the requirements of the County, as indicated in paragraph 3.9.2, it has not represented a significant proportion in Suffolk. Paragraph 3.9.6 suggests up to 15% of the County’s requirement could be met by sea-dredged aggregates, which would be in addition to the quantity which has to be found from land-won material.

1.428 Sea-dredging is not free from difficulties; it has implications for fisheries, ecology and coastal erosion and defence. The future contribution of sea-dredged aggregates is under review. It is not subject to planning control by the MPA, but is controlled by licence under the Government View procedure, and hence it would be inappropriate for the SMLP to include a policy which directly sought to influence the winning of aggregates from this source - either to encourage or to discourage it as this may cut directly across Government policy on the topic. If licences were granted to produce this material, it would be beyond the scope of the SMLP to resist this, nor should the MPA seek to prevent it being landed as this would be part of MPG6’s appraisal of the region’s supply up to 2006. In which case, I do not consider the SMLP should be modified to take account of the objection made by J A McAdam.

1.429 Whereas the regional view accepts a proportion of aggregates will come from sea dredged sources, and the SMLP acknowledges this, I do not consider that the situation would be significantly influenced if the SMLP included a policy to this effect. The material would be landed at either established port facilities or temporary wharftage (as at Sizewell), which would not necessarily require a consent from the MPA. Therefore, although a policy in the Plan might give a little more authority or status to the MPA’s acceptance of the contribution sea-dredged sources will make, I do not consider this is essential, and I do not think it would materially influence the amount landed in the County. Accordingly, I do not support the objection made by ARC Central.

1.430 PDA34 incorporates the gist of the objection made by GO-ER. The objector’s letter of 23 January 1997 suggests that this meets their objection. I consider it would be a helpful comment and that it should be incorporated into the Plan as a modification.
RECOMMENDATION

1.431 The SMLP be modified in accordance with proposed change PDA52 in so far as it affects paragraph 3.9.2, and PDA34, as set out in the schedule of post deposit amendments, CD.B5.

b. The Supply of Secondary and Recycled Aggregates (Alternative Aggregates)

Objection Nos. 0169 Waveney District Council; 0553 SAGA; 0577 Brett Gravel Ltd; 0657 Environmental Services Association

Counter objection No. 3001 J M Skudder

Summary of objections

1.432 i. The Plan should set a target for increasing the use of recycled material and demonstrate why the amount of aggregate any proposed site would produce cannot be gained from recycled sources [0169].

ii. MPG6, paragraph 38 advises planning authorities to take a more positive approach to increase the use of recycled materials. It is disappointing to see no specific policy to support the increased recycling of waste materials. Policies and supporting text should be introduced which give a presumption in favour of the siting of permanent recycling centres at mineral and waste disposal sites, linked to the life of the site if necessary. Policies must also accept the suitability of locations on the edge of urban areas, which may include Green Belt or other designated landscape areas, provided there would not be unacceptable environmental impact [0553, 0577].

iii. Although Policy MP15 of the SCSP deals with this issue, this has been seriously under-played in the SMLP. If a more sustainable waste strategy is to be achieved, both nationally and locally, then the waste industry needs to be encouraged to bring forward new proposals which will increase the provision of new such facilities. This can be assisted through the medium of statutory local plans by the incorporation of policies and proposals which support and encourage such activities. Clear guidance to industry and other developers on where such facilities may most appropriately be located and the detailed planning criteria which will be considered in assessing such proposals would be helpful. Minerals sites as well as landfill sites and other industrial locations can provide opportunities for the processing of demolition and construction waste. A policy should be included which provides such opportunities subject to appropriate control [0657].

iv. PDA50 is far too broad and open and does not imply any restrictions on recycling sites. Recycling should not be provided at the cost of environmental considerations simply because it is fashionable [3001].

Inspector’s considerations and conclusions

1.433 The MPA have proposed to change this part of the Plan (PDA50(part) - CD.B5), by adding a reference to seven sites which currently supply recycled aggregates, and listing them. Subsequently, it was proposed to add a further three sites (PDA67(part) - CD.B24). Both of the proposed changes have been open to formal public consultation and have attracted
the one counter objection. I will take the proposed changes into account in my consideration of these objections.

1.434 Whereas MPA expects a proportion of the County’s aggregates to come from recycled or secondary sources, it is not well placed to positively encourage this. Recycled aggregates mostly come from demolition sources, which are not subject to planning permission or any form of monitoring. The handling of demolition material is largely covered by waste regulation legislation; that is, the raw material is largely beyond planning control. Material can be crushed and re-used on the site from which it arises where redevelopment is to take place, or transported to another development site, which again is beyond the control of the MPA. It can be transported to a re-cycling centre, where it is stored, sorted, crushed, graded and re-sold as a construction material. There may be advantages in siting these recycling operations in existing quarries, but planning control over waste recycling centres is in the hands of the waste planning authority, not the MPA.

1.435 It may be hoped that certain major redundant sites could be the source of material for recycling, as discussed at paragraph 3.9.10 of the Plan, but neither the MPA nor the district councils have any role, as suggested by Waveney District Council to allocate potential sources of recyclable materials. Therefore, with no opportunity to control the arisings of secondary aggregates, their handling, movement or reprocessing, the SMLP has very limited scope to make specific provision for aggregates from these sources.

1.436 Suffolk County Council is both the MPA and the waste planning authority, but the two roles cannot be combined through this local plan, which deals only with minerals. Therefore, I do not support the view put by Environmental Services Association that this local plan should include policies which would apply more directly to waste planning than minerals planning.

1.437 Although recycled materials might become a greater proportion of construction materials in the County, the requirement in MPG6 is for the MPA to make provision for the production of the appropriate share of primary aggregates, as determined through the working of the EAAWP. The figures which derive from MPG6 already take into account the potential contribution of material from secondary or alternative sources. I do not accept the position put by Waveney District Council that the MPA should first have to justify the figures of primary aggregates which this plan has to accommodate. In my view, any greater proportion from recycled sources would be a bonus, which may have the effect of either delaying the start-up of one or more primary sources, or extending the time-span over which a primary site will operate. It is possible the proposed Suffolk Minerals and Waste Local Plan will be able to integrate consideration of the proportions of aggregates from primary and secondary sources more closely.

1.438 Given the limited opportunity for the MPA to become directly involved in waste recycling for construction purposes, I consider the proposed changes are sufficient to recognise the contribution recycled materials can play in the supply of construction materials. Paragraph 3.9.10 discusses the amount and potential sources of recycled materials. Major demolition sites, such as an old airfield, would probably have its own recycling operation for the duration of the project and hence, with no information on the location and timing of such projects, these cannot be shown in the Plan. Listing the semi-permanent re-cycling sites and identifying them on the Proposals Map may encourage greater use of these sites, either by demolition companies or users of construction materials. This may not entirely satisfy the
objections made by SAGA and Brett Gravel Ltd, but I consider the SMLP does not have to make a greater reference than this to the potential contribution of recycled materials.

1.439 I do not consider that anything either in the deposit draft plan or the proposed changes could be regarded as support for the establishment of a recycling site where there would be unacceptable consequences for the environment or the living conditions of those living nearby. In which case, I do not consider the Plan should be revised to take into account the counter objection from J M Skudder.

RECOMMENDATIONS

1.440 The SMLP be modified:

i. in accordance with proposed change PDA50 in so far as it affects section 3.9 of the Plan, as set out in the schedule of post deposit amendments, CD.B5.

ii. in accordance with proposed change PDA67 in so far as it affects section 3.9 of the Plan, as set out in the schedule of post deposit amendments, CD.B24.

iii. the last sentence of the additional text after 3.9.10 introduced by PDA50 be revised by the deletion of the word 'seven' and its replacement by the word 'ten'.

c. The importation of Aggregates from Outside England and Wales

Objection Nos. 0435 J A McAdam; 1264 Essex County Council

Counter objection No. 3002 Essex County Council

Summary of objections

1.441 i. The importation of hard rock from sources like Norway should be maximised [0435].

ii. The Plan has not been modified to make a more realistic provision for the importation of coastal super quarry material both to the region and Suffolk. The Plan clearly identifies within paragraph 3.9.15 that the region needs to make provision for some 10mt for super quarry aggregate imports. The paragraph is unclear as to whether the 3.33mt for each county covered by the EAAWP is the anticipated share of consumption of these materials over the plan period, or if this is the amount each county is to make provision to receive. This is not further explained within the following paragraphs which go onto discuss the supply of coastal super quarry material [1264].

iii. The SMLP and the EAAWP should not rely on, or refer to other regions for assistance in making the necessary provisions. It is incorrect for PDA33 to refer to the possibility of materials being imported through the Thames to serve Cambridgeshire, in order to justify the unrealistic three way supply allocation of the 10mt from outside England and Wales. Accordingly, the EAAWP should adopt a realistic approach to provide facilities for the direct importation of this aggregate, through the coastal MPAs by safeguarding existing and potential aggregate wharves [3002].
Inspector’s considerations and conclusions

1.442 The MPA have put forward a series of proposed changes to this part of the Plan. PDA33 (CD.B5) replaces paragraph 3.9.15, but PDA 52(part) (CD.B5) partially deletes paragraph 3.9.15 and substitutes a new paragraph 3.9.14. PDA52 also deletes paragraphs 3.9.16 and 3.9.17, and substitutes new paragraphs 3.9.15 and 3.9.16. PDA83 (CD.B24) reintroduces paragraph 3.9.15, but largely duplicates paragraph 3.9.14 as introduced by PDA52, apart from a minor correction in the last sentence. All of these proposed changes have been open to full public consultation, and have attracted the counter objection from Essex County Council. Subsequently, PDA101 has been introduced (CD.B28) which replaces the earlier version of paragraph 3.9.15. Although this last proposed change has not been open to full public consultation, it has been available as a core document of the inquiry. I have not been made aware of any adverse comments, and I will take it into account in my consideration of these objections.

1.443 As a preliminary point of clarification, I will take it that, to be consistent with earlier passages of the Plan, paragraph number 3.9.14 relates both to the sub-heading and the first paragraph of text, and that the text of paragraph 3.9.14 should be regarded as that given in PDA101, and that 3.9.15 and 3.9.16 should be as represented by PDA52.

1.444 PDA101 addresses all of the points made by Essex County Council. No response has been received from the objector, but I consider it satisfactorily meets these objections.

1.445 Aggregates from the "super quarries" are seen to make a contribution to the needs of both East Anglia as a whole, and Suffolk in particular. Whereas J A McAdam looks for higher volumes of material from these sources, no evidence was given at this inquiry as to the implications of such a policy. Although further imports of hard rock from super quarries might diminish the demand for land-won aggregate, this would not meet the County’s needs entirely. Furthermore, taking greater quantities from these sources may give rise to environmental objections in the locality of the super quarries. The allowance made in the SMLP is in accordance with guidance given in MPG6, and I do not consider that a greater proportion could be assumed or even encouraged through an additional policy in the Plan.

RECOMMENDATIONS

1.446 The SMLP be modified by:

i. the deletion of paragraphs 3.9.14, 3.9.15, 3.9.16 and 3.9.17

ii. the introduction of new paragraph 3.9.14, to read:

3.9.14 The Importation of Aggregates from Outside England and Wales

MPG6 makes an assumption that 10 million tonnes of aggregates will be supplied to the East Anglia region between 1992 and 2006 from outside England and Wales, mainly from so called "coastal super quarries". The EAAWP has made a further assumption that consumption of this 10 million tonnes will be split equally between the three counties, ie 3.33 million tonnes for each county. A further theoretical assumption has been made by the MPA that the provision of wharf facilities to receive these aggregates will be split equally between the two coastal MPAs. Suffolk will therefore be required to make provision to import an additional 5 million tonnes of
such aggregate. There is considered to be sufficient existing wharf capacity, in particular at Felixstowe and Ipswich, to meet this increase and no additional wharves are proposed.

iii. the inclusion of new paragraphs 3.9.15 and 3.9.16 in accordance with proposed change PDA52 in so far as it affects page 47 of the deposit draft Plan, as set out in the schedule of post deposit amendments, CD.B5.

CHAPTER 4. PROVISION OF OTHER MINERALS

Objection Nos. 0642 Ightham Sandpits; 1132 Suffolk Preservation Society;
1303 GO-ER

Support No. 1156 Suffolk Preservation Society

Summary of objections

1.447 i. This policy fails the test of sustainable development. The sites indicated in this policy have been chosen from a flawed methodology that is short-sighted and fails to account for the longer terms needs of society. No account is taken of possible beneficial after uses for minerals development in identifying sites for inclusion in the Plan. This policy conflicts with the Government’s objective of promoting economic development through a deregulated market that encourages competition. The policy should be deleted and replaced with a new policy that conforms to the principles of sustainable development and economic development [0642].

ii. The wording ‘at least two of the following caveats are satisfied’ is unacceptable. Caveats are conditions that protect from excessive mineral development (sic). It is not a multiple choice option. The previous wording should be reinstated so that significant protection is available to land outside the preferred plan areas and specific sites [1132].

iii. Where policies indicate the Council will give favourable consideration to planning applications for mineral working subject to other relevant policies, the word ‘favourable’ should be deleted, so as not to fetter the Authority’s discretion in considering every case on its merits [1303].

Inspector’s considerations and conclusions

1.448 The MPA propose to change the policy by the deletion of the word ‘favourable’, (PDA31 - CD.B5). The proposed change has been open to public consultation and has not attracted counter objections. I will take the proposed change into account in my consideration of these objections.
1.449 Whereas the proposed change meets the objection lodged by GO-ER, I consider the policy still includes an unreasonable limitation both on the MPA in its powers to consider planning applications, and upon potential developers to make applications. The MPA cannot prevent a potential developer from submitting an application anywhere in the County, and it is under a legal duty to give that application due consideration, having regard to the development plan and all other material considerations. The policy, as proposed to be changed, implies that the MPA will not even consider applications which are made for sites outside the preferred areas. I consider this would be an unsupportable position.

1.450 Taking the point raised by the Suffolk Preservation Society, I assume that the objector is concerned about the protection of land from unwelcome mineral development. I consider that, in permitting development which meets two of the four criteria (I consider these to be criteria rather than caveats), the policy represents a realistic response which can be used to address a range of circumstances. In my view it is highly unlikely that all four criteria could be met at any one time. In which case, the policy would be tantamount to an absolute embargo on clay and chalk working elsewhere in the County. This is unreasonable, and could leave the MPA unable to respond in a rational and well reasoned way to a proposal outside the preferred areas. The alternative would be to force an applicant to rely upon an argument based on exceptional circumstances. Where almost everything would fall under exceptional circumstances then certainty is diminished both for the developer in framing an application and estimating his chances of success, and for the public in looking for reassurance that their interests are being properly safeguarded. I do not consider the policy should be modified as suggested by the objector.

1.451 The current Government guidance on the supply of raw material for the cement industry (MPG10 - CD.A19) was published prior to the Government’s adoption of the sustainability strategy. However, this is the latest guidance available and I accept that the SMLP has been prepared in accordance with it. Ightham Sandpits contend that sites should be identified on the basis of a beneficial after-use. I agree that this approach would be consistent with a fully integrated strategy of sustainability and there is an unanswered point about what is to become of the sites identified under this policy after extraction has ceased in that, unlike the other sites identified for sand and gravel working, Inset Map 32 does not identify a possible after-use for these sites.

1.452 However, I do not consider that the site selection should, or could, go so far as to be based solely on the likelihood of a beneficial after-use. Extraction can take place over many years, during which society’s needs and expectations may change to the point where something considered desirable today may seem irrelevant in 26 years time. Following the guidance in MPG10, in consultation with the industry the MPA has to look at the location of suitable deposits in relation to the needs of the industry, which must also take into consideration the reclamation and after-use of the sites after mineral working. The approach allows for the industry to contribute to the policies which will be used to guide and regulate it during the plan period, thereby offering a degree of influence as a business within a deregulated market, albeit one whose complete freedom of action is constrained by the planning system.

1.453 Applications to work the deposits in the preferred area will need to be assessed against the other policies of the SMLP, and Policy SMLP2(d) says that planning permission will not be granted unless there are satisfactory proposals for the progressive working and reclamation of a site. That is, planning permission would not be granted until it could be shown that the site was capable of being returned to a satisfactory after use. What that use
may be would be a matter for discussion between the MPA and the developer. If the design of the extraction and restoration proposals put forward by the developer are indeed driven by a positive view of the after-use of the site this may be a point which gives comfort and satisfaction, but it should also be sufficient to show that the land is capable of being reclaimed to a condition which can support an as yet unspecified or unforeseen after-use. I consider this would also serve the interests of a sustainability strategy. I do not consider that the Plan should be modified to take account of this objection.

1.454 I will consider the objections made to the criteria of this policy before coming to my recommendation

Objection No. 0643 Ightham Sandpits

Summary of objection

1.455 This policy conflicts with the Government’s programme for economic development through free competition. The purpose of the planning system is to identify land that is fit for the purpose for which developments rights are being sought. It should not work to prevent new operators from entering a market on the pretext that existing companies can supply demand. The policy should be deleted together with all reference to existing sources of supply.

Inspector’s considerations and conclusions

1.456 The Government’s programme for economic development accepts and works within the planning system. This policy has been prepared in accordance with the Government’s guidance on the topic (MPG10 - CD.A19), and hence there should be no incompatibility with overall Government policy. The SMLP policy, read as a whole, does not prevent new operators from entering the market where a rational case can be made that the sources of production anticipated at the plan preparation stage are inadequate. I do not consider that the Plan should be modified to take account of this objection.

Objection No. 0644 Ightham Sandpits

Summary of objections

1.457 In a free market ‘need’ is indicated by the price mechanism. If a good has no market value for which consumers are willing to pay, there is no need. If a good has a market value at which consumers are willing to purchase then there is a need. The planning authority are taking on a very onerous task if they wish to identify and provide for the tastes and consumption patterns of the whole economy. Suggested alteration: replace ‘overriding national need’ with ‘a market at current prices’.
Inspector’s considerations and conclusions

1.458 In my view, the point made by the objector relates more to economic planning rather than land use planning. The price of a service or commodity should have no bearing upon land use planning considerations. For land use planning purposes ‘need’ is generally accepted to relate to an examination the of quantity of reserves or rate of supply compared with the anticipated likely demand. A negative difference between these factors would be regarded as the need in planning terms - which can be assessed at a national level. There may be an interplay between the price of a commodity and the availability of supply, but price per se is not, in my view, a land use planning matter. I do not consider that the Plan should be modified to take account of this objection.

Objection No. 0645 Ightham Sandpits

Summary of objection

1.459 None of the sites included in the proposals map indicate that they have been identified to prevent sterilisation of known minerals development resulting from other forms of development. All sites in the County that are known to contain minerals reserves should be reappraised to identify which ones might have to be developed prior to other forms of development.

Inspector’s considerations and conclusions

1.460 The Plan has been prepared on the basis of predicting the likely need of the County for the foreseeable future, taking into account Government guidance on the subject, and making specific provision for that anticipated need. However, as a pragmatic measure, I consider it is prudent the Plan has a provision that a deposit can be worked in advance of other development to prevent sterilisation of the mineral. Even if the basic geological information was available in sufficient detail, I do not think it necessary for the Plan to identify every location where minerals underlie potential development sites. Furthermore, and even accepting it were feasible to do that exercise, it would be beyond the powers of a planning authority to actually require development to take place; it is up to the land owner to choose whether he wants to carry out development which complies with the development plan. In my view, the policy represents a sensible contingency provision without attempting to be unduly directive or restrictive. I do not consider that the Plan should be modified to take account of this objection.

Other matters

1.461 Whilst not the subject of a specific objection, I consider the word ‘criteria’ should be used instead of ‘caveats’ in the general statement at the beginning of the second element of the policy, to be consistent with the modifications I have recommended for other policies in the Plan.
RECOMMENDATIONS

1.462 The SMLP be modified by:

i. the deletion of the first element of Policy SMLP8 and its replacement by:

**POLICY SMLP8**

**THE COUNTY COUNCIL HAS IDENTIFIED THE FOLLOWING PREFERRED AREAS FOR CLAY AND CHALK EXTRACTION FOR USE IN THE MANUFACTURE OF CEMENT AT MASON’S WORKS, AS SHOWN ON THE PROPOSALS MAP. WITHIN THESE AREAS PLANNING PERMISSION FOR WORKING MINERALS WILL BE GRANTED SUBJECT TO OTHER RELEVANT POLICIES OF THE DEVELOPMENT PLAN BEING SATISFIED.**

ii. the deletion of the word CAVEATS from the general statement at the beginning of the second element of Policy SMLP8, and its replacement by the word CRITERIA.

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Summary of objections

1.463 i. The planning system operates on the fundamental principle that applications for development should be allowed, having regard to the development plan and all other material consideration, unless the proposal involves demonstrable harm to interests of acknowledged importance. Criteria (a) to (c) conflict with this fundamental principle and, by interfering with and inhibiting competition between owners and investors in land, are contrary to national planning guidance. The policy should therefore be deleted [0402].

ii. This policy fails the test of sustainable development. The sites indicated in this policy have been chosen from a flawed methodology that is short-sighted and fails to account for the longer term needs of society. No account is taken of possible beneficial after uses for minerals development in identifying sites for inclusion in the Plan. This policy conflicts with the Government’s objective of promoting economic development through a deregulated market that encourages competition. The policy should be deleted and replaced with a new policy that conforms to the principles of sustainable development and economic development [0646].

iii. The wording ‘at least two of the following caveats are satisfied’ is unacceptable. Caveats are conditions that protect from excessive mineral development (*sic*). It is not a
multiple choice option. The previous wording should be reinstated so that significant protection is available to land outside the preferred plan areas and specific sites [1133].

Inspector’s considerations and conclusions

1.464 The SMLP’s policies have to be based on a realistic view of the future. Paragraphs 4.4.1 to 4.4.5 of the Plan explain the history of this type of chalk working in the County, and the availability of supply taking account of permitted reserves. Neither Finch & Ollett Aggregates Ltd, nor Ightham Sandpits argue that this appraisal is inaccurate or inadequate. Until the present reserves are seen to be nearing exhaustion it would seem pointless for the MPA to positively look elsewhere in the County for yet more potential chalk extraction sites which might be worked for a positive end use. Nor would the Plan be offering certainty to either the developers or the public if it implied that, notwithstanding the sufficiency of supply, yet further unrestricted chalk working would be permitted.

1.465 The planning system accepts supply should be constrained to accord with predictions of need in other areas of land use planning, for example housing land supply. I do not consider this is an unreasonable approach for a policy controlling sites for chalk working. Should the situation arise where the known reserves are seen to be insufficient or inadequate, the criteria of the policy would allow a land owner to bring another site into production.

1.466 Taking the point raised by the Suffolk Preservation Society, I assume that the objector is concerned about the protection of land from unwelcome mineral development. In my view, as it stands, the policy is a very strict control over new chalk working. Permitting development which satisfies two of the four criteria (I consider these to be criteria rather than caveats) offers a sensible policy response which may be used to address a realistic range of circumstances. Criteria (a) and (b) would permit a sensible readjustment to the known reserves where operational experience showed the identified areas to be inadequate, and criterion (c) is a pragmatic response to permit a deposit to be worked rather than allow it to be sterilised ever after. Consequently I do not agree with Finch & Ollett Aggregates Ltd that they should be deleted.

1.467 In my view it is highly unlikely that all four criteria could be met at any one time. If this were the case, the policy would be tantamount to an absolute embargo on chalk working elsewhere in the County. The likelihood of such a situation partly underlies the objections made by Finch & Ollett Aggregates Ltd and Ightham Sandpits. This would be unreasonable, and could leave the MPA unable to respond in a rational and well reasoned way to a proposed development outside the established areas. The alternative would be to force an applicant to rely upon an argument based on exceptional circumstances. Where almost everything would fall under exceptional circumstances then certainty is diminished both for the developer in framing an application and estimating his chances of success, and for the public in looking for reassurance that their interests are being properly safeguarded. However, I do not consider the policy should be modified in the way suggested by the objector.

1.468 I will consider the objections made to the criteria of this policy before coming to my recommendation.
Summary of objection

1.469 The notion that only a ‘replacement’ or ‘extension’ of an existing operation may be granted planning permission conflicts with the principle of free competition. The existence of other players in a market and the knowledge that they are able to return to profit is the primary market indicator that encourages competition. Preventing new operators from entering a market conflicts with the Government’s economic policy. The policy should be deleted together with all reference to existing sources of supply.

Inspector’s considerations and conclusions

1.470 I deal with the general point in paragraph 1.465 above. The policy only requires two out of the four criteria to be satisfied, and hence it does not only limit new permissions to extensions or replacements. I do not consider that the Plan should be modified to take account of this objection.

Summary of objection

1.471 This policy conflicts with the Government’s programme for economic development through free competition. The purpose of the planning system is to identify land that is fit for the purpose for which development rights are being sought. It should not work to prevent new operators from entering a market on the pretext that existing companies can supply demand. The policy should be deleted together with all reference to existing sources of supply.

Inspector’s considerations and conclusions

1.472 I deal with the point in paragraph 1.465 above. I do not consider that the Plan should be modified to take account of this objection.
Summary of objection

1.473 None of the sites included in the Proposals Map indicate that they have been identified to prevent sterilisation of known minerals development resulting from other forms of development. All sites in the County that are known to contain minerals reserves should be reappraised to identify which ones might have to be developed prior to other forms of development.

Inspector's considerations and conclusions

1.474 The point has been partly dealt with under paragraph 1.466. The Plan has been prepared on the basis of predicting the likely need of the County for the foreseeable future. Paragraphs 4.4.1 to 4.4.5 argue that this need can be adequately met from existing permitted reserves. However, as a pragmatic measure, I consider it prudent that the Plan includes a provision that a deposit can be worked in advance of other development to prevent sterilisation of the mineral. Even if the basic geological information was available in sufficient detail, I do not think it necessary for the Plan to identify every location where minerals underlie potential development sites. Furthermore, and even accepting that it were feasible to do that exercise, it would be beyond the powers of a planning authority to actually require development to take place; it is up to the land owner to choose whether he wants to carry out development which complies with the development plan. In my view, the policy represents a sensible contingency provision without attempting to be unduly directive or restrictive. I do not consider that the Plan should be modified to take account of this objection.

Other matters

1.475 Whilst not the subject of a specific objection, I consider the word 'criteria' should be used instead of 'caveats' in the general statement of the policy, to be consistent with the modifications I have recommended for other policies in the Plan.

RECOMMENDATION

1.476 Policy SMLP9 be modified by the deletion of the word CAVEATS from the general statement at the beginning of the policy, and its replacement by the word CRITERIA.

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SMLP9: Proposed New Clay Working Area for Brick Making

Objection Nos. 0403 Finch & Ollett Aggregates; 0650 Ightham Sandpits; 1134 Suffolk Preservation Society; 1309 GO-ER

Support No. 1158 Suffolk Preservation Society
Summary of objections

1.477 i. The planning system operates on the fundamental principle that applications for development should be allowed, having regard to the development plan and all other material considerations, unless the proposal involves demonstrable harm to interests of acknowledged importance. Criteria (a) to (c) conflict with this fundamental principle, by interfering with and inhibiting competition between owners and investors in land. Consequently the policies are contrary to national planning guidance and should be deleted [0403].

ii. This policy fails the test of sustainable development. The sites indicated in this policy have been chosen from a flawed methodology that is short sighted and fails to account for the longer term needs of society. No account is taken of possible beneficial after uses for minerals development in identifying sites for inclusion in the Plan. This policy conflicts with the Government’s objective of promoting economic development through a deregulated market that encourages competition. The policy should be deleted and replaced with a new policy that conforms to the principles of sustainable development and economic development [0650].

iii. The wording ‘at least two of the following caveats are satisfied’ is unacceptable. Caveats are conditions that protect from excessive mineral development (sic). It is not a multiple choice option. The previous wording should be reinstated so that significant protection is available to land outside the preferred plan areas and specific sites [1134].

iv. Where policies indicate that the Council will give favourable consideration to planning applications for mineral working subject to other relevant policies, the word ‘favourable’ should be deleted, so as not to fetter the Council’s discretion in considering every case on its merits [1309].

Inspector’s considerations and conclusions

1.478 The MPA propose to change the policy by the deletion of the word ‘favourable’, (PDA32 - CD.BS). The proposed change has been open to public consultation and has not attracted counter objections. I will take the proposed change into account in my consideration of these objections.

1.479 Although the proposed change accepts the revised wording put forward by GO-ER, I consider the policy still includes an unreasonable limitation both on the MPA in its powers to consider planning applications, and upon potential developers to make applications. The MPA cannot prevent a potential developer from submitting an application anywhere in the County, and it is under a legal duty to give that application due consideration, having regard to the development plan and all other material considerations. The policy, as proposed to be changed, implies that the MPA will not even consider applications which are made for sites outside the identified areas. I consider this would be an unsupportable position.

1.480 The SMLP’s policies have to be based on a realistic view of the future. Paragraphs 4.5.1 to 4.5.3 of the Plan explain the history of brick clay working in the County, and the availability of supply taking account of permitted reserves. Neither Finch & Ollett Aggregates Ltd, nor Ightham Sandpits argue that this appraisal is inaccurate or inadequate. Neither do these objectors argue that the Chillesford Pit site is inappropriate. Until the present reserves and proposed site are seen to be nearing exhaustion it would seem pointless
for the MPA to positively look elsewhere in the County for further brick clay sites which might be worked for a positive end use. Nor would the Plan be offering certainty to either the developers or the public if it implied that, notwithstanding the sufficiency of supply, yet further, unrestricted brick clay working would be permitted. Whereas Ightham Sandpits are urging the MPA to adopt a pro-active approach, it is my view that a protectionist or preservationist policy such as this is also compatible with the strategy of sustainable development. (The reference to chalk working in the MPA's response to Finch & Ollett Aggregates Ltd is taken to be an error, and I have interpreted this to actually refer to brick clay working).

1.481 The planning system accepts supply should be constrained to accord with predictions of need in other areas of land use planning, for example housing land supply. I do not consider this is an unreasonable approach for a policy controlling sites for brick clay working. Should the situation arise where the known reserves are seen to be insufficient or inadequate the criteria of the policy would allow for a land owner to bring another site into production.

1.482 Turning to the objection raised by the Suffolk Preservation Society, I assume that the objector is concerned about the protection of land from unwelcome mineral development. I consider that, in permitting development which meets two of the four criteria, (I consider these to be criteria rather than caveats), the policy represents a realistic response which can be used to address a range of circumstances. In my view it is highly unlikely that all four criteria could be met at any one time. In which case, the policy would be tantamount to an absolute embargo on brick clay working elsewhere in the County. This is unreasonable, and could leave the MPA unable to respond in a rational and well reasoned way to a proposal outside the identified areas. The alternative would be to force an applicant to rely upon an argument based on exceptional circumstances. Where almost everything would fall under exceptional circumstances then certainty is diminished both for the developer in framing an application and estimating his chances of success, and for the public in looking for reassurance that their interests are being properly safeguarded. I do not consider the policy should be modified as suggested by the objector.

1.483 I will consider the objections made to the criteria of this policy before coming to may recommendation.

SMLP10(a)

Objection No. 0651 Ightham Sandpits

Summary of objection

1.484 The notion that only a 'replacement' or 'extension' for an existing operation may be granted planning permission conflicts with the principle of free competition. The existence of other players in a market and the knowledge that they are able to return a profit is the primary market indicator that encourages competition. Preventing new operators from entering a market conflicts with the Government's economic policy. The policy should be deleted, together with all reference to existing sources of supply.
Inspector’s considerations and conclusions

1.485 I consider the general point at paragraph 1.481 above. The policy only requires two out of the four criteria to be satisfied, and hence it does not only limit new permissions to extensions or replacements. I do not consider that the Plan should be modified to take account of this objection.

Objection No. 0652 Ightham Sandpits

Summary of objection

1.486 This policy conflicts with the Government’s programme for economic development through free competition. The purpose of the planning system is to identify land that is fit for the purpose for which development rights are being sought. It should not work to prevent new operators from entering a market on the pretext that existing companies can supply demand. The policy should be deleted, together with all reference to existing sources through f.None323Y

Inspector’s considerations and conclusions

1.487 I consider the point at paragraph 1.481 above. I do not consider that the Plan should be modified to take account of this objection.

RECOMMENDATION

1.488 The SMLP be modified by the deletion of the first element of Policy SMLP10 and its replacement by:

POLICY SMLP10

THE COUNTY COUNCIL HAS IDENTIFIED THE FOLLOWING PREFERRED AREAS FOR CLAY WORKING FOR USE IN THE MANUFACTURE OF BRICKS, AS SHOWN ON THE PROPOSALS MAP. OUTSIDE THESE AREAS PLANNING PERMISSION FOR WORKING MINERALS WILL BE GRANTED WHERE AT LEAST TWO OF THE FOLLOWING CRITERIA, INCLUDING (d) CAN BE SATISFIED.

Objection No. 1195 Nacton Parish Council
Summary of objection

1.489 The innocuous sounding collection process involves vehicular traffic on the beach and physical disruption as the stones are dug out. These processes contribute to the increasing problem of the erosion of the Orwell banks. The collection of septaria from the Orwell foreshore should be discontinued [1195].

Inspector’s considerations and conclusions

1.490 The Plan does not make positive provision for the winning of septaria. It seems there is only specialist demand for this mineral, and it is worked virtually on an ad hoc basis. The objector does not contradict the MPA’s statement that there is no current planning permission for working septaria. In view of the apparent scarcity of this mineral I do not consider it would be appropriate for the SMLP to rule out the possibility of it being worked again on the Orwell foreshore in the future but, as is said in paragraph 4.7.3, new applications will need to considered in the light of the relevant policies of the development plan. These will include not only the SMLP, where Policy SMLP2 may be particularly relevant to the concerns of this objector, but also the Suffolk County Structure Plan and any relevant district local plan. The considerations will apply equally to the deposit along the Orwell foreshore and to the (unspecified) inland quarry mentioned in paragraph 4.7.2.

RECOMMENDATION

1.491 No modifications be made to the SMLP in response to this objection.

CHAPTER 5. INSET MAPS

Here I only consider objections made to the preliminary passages of the Inset Map chapter of the Plan. All the site specific objections are considered under Part 2 of this report.

Objection Nos. 0653 Ightham Sandpits; 0970 Landseer Road Action Group; 1002 Mr P Steggal; 1306 GOER

Summary of objections

1.492 i. In accordance with the principle of free competition the list of thirteen sites identified for aggregates and the three sites identified for chalk and clay should also include all areas on the enclosed map of minerals consultation areas used by the SMLP and outlined in red [0653].

ii. The last sentence of paragraph 5.1.5 says all C sites may well ‘already have planning permission’ but it is possible further planning applications may be made that could have the effect of significantly increasing vehicular traffic on an unsuitable road network to the detriment of the environment and to highway safety, contrary to County Structure Plan Policy MP3. The last sentence of paragraph 5.1.5 should be amended to recognise this, and the need to avoid the undesirable effect of increased vehicular traffic [0970].
iii. The expiry date 2042 relating to some sites is likely to cause serious concern. The reasons for and significance of that date should be explained, and an indication given as to whether such permissions will be reviewed with the object of imposing more suitable time limits and conditions [1002].

iv. There is no explicit reference to historic parklands of registrable status likely to be visually or hydrologically affected by mineral working proposals (including Culford, Henham and Shrubland); nor is it conclusively established that sites of national and international nature conservation significance in the vicinity of allocated mineral working sites will be adequately safeguarded from adverse hydrological impacts during mineral working operations. These issues should be the subject of specific consultation with English Heritage and English Nature and the objectors wish to reserve their position until such time as detailed advice is available. In some cases there may be inadequate information for a conclusions to be reached until planning applications are submitted for environmental assessment [1306].

Inspector’s considerations and conclusions

1.493 The MPA propose to change passages of this chapter. PDA52 (part) (CD.B5) puts forward minor corrections to paragraphs 5.1.2 and 5.1.4, and PDA86 (CD.B24) introduces into 5.1.5 a reference to the Environment Act 1995 and the review of mineral planning permissions. Table 10 has been subject to proposed change PDA87, which deletes site P148 as a proposal. The proposed changes have been open to full public consultation and have not attracted counter objections. Further changes have been put forward to Table 10 as part of PDA107. This has been available as a core document of the inquiry, but has not been open to full public consultation. There has been no adverse comment made about these latest proposed changes to Table 10, but changes to other elements of the Plan, either made by objectors or recommended by me have a bearing upon the contents of this table. However, only PDA86 has any direct bearing upon the objections listed above.

1.494 The MPA also propose to change the Proposals Map by deleting the version which supported the deposit draft of the Plan, and substituting a version which reflects the series of changes proposed in the series of post deposit amendments discussed elsewhere in this report. However, the substitute Proposals Map itself has not been given a PDA number.

1.495 I have reproduced the text of the objection made by Ightham Sandpits in full, but I am not entirely clear as to what is the point being made. The Plan lists fourteen, not thirteen new or extended sites for sand and gravel working (although the list has been subsequently reduced to thirteen by PDA87). Also, the ‘principle of free competition’ is not a recognised land use planning concept. However, the objector has not responded to, nor refuted, the MPA’s summary of the objection given in their statement of case, hence I will deal with the objection on that basis.

1.496 The Proposals Map does, of course, identify the whole County as the Plan area. In identifying specific sites detailed on the larger scale Inset Maps the Plan complies with Government guidance on the preparation of minerals local plans, as set out in the various MPG’s and PFG12. The criteria-based elements of policies SMLP7, SMLP8, SMLP9 and SMLP10, as well as the other policies to guide the selection and control of minerals sites, apply across the whole of the Plan area - ie the whole County - and not just the Inset Map areas. Within the framework of current national planning guidance, I do not consider
anyone’s interests are unfairly prejudiced by way in which the Plan’s proposals and policy areas are presented.

1.497 Taking the objection made by Landseer Road Action Group, I do not see that specifically referring to the possibility of further planning permissions would address the points being made by the objector. Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the Suffolk County Structure Plan. Therefore consideration of highway capacity and road safety would not be overlooked or circumvented by the SMLP. Within the SMLP itself, policies SMLP3(b) and SMLP3(d) directly address the point made by the objector. Also, Structure Plan policy MP3 acknowledges the concerns raised and provides a further policy protection. I consider no further modifications are necessary to meet the point made by this objector.

1.498 I do not know if Mr P Steggal has a background in minerals planning, but his objection is an understandable concern for someone unfamiliar with the legislation on the duration of a minerals planning permission. The Town and Country Planning (Minerals) Act 1981 imposed a time limit of 60 years on all minerals planning permissions extant in 1982 but which otherwise had no time limit. That is, all older planning permissions had a time limit imposed upon them, expiring on 22 February 2042. The Environment Act 1995 introduces the opportunity for the MPA to review the conditions attaching to these older permissions, which may include a re-examination of the duration of the permission (see paragraph 78 of MPG14 Environment Act 1995: Review of Mineral Planning Permissions (not a core document) and paragraph 75 of MPG2 (CD.A12). However, until such a review is complete for a site, the SMLP can only quote the current position. I have sympathy with the view expressed by the objector, and consider that the proposed addition to paragraph 5.1.5 should mention that, amongst other matters, the end date of the older permissions may be revised as part of the review.

1.499 The objection put forward by GO-ER relates to particular concerns which would only be relevant in the vicinity of historic parklands. In their response the MPA point out that there are no sites proposed in the SMLP which are close enough to an historic parkland which are likely to be potentially affected. I do not interpret this as showing that the MPA are unaware of the need to take this into consideration. Indeed, in the MPA’s response to objectors proposing sites in the Culford area, particular mention is made of the proximity of the parkland and the possibility that mineral working may affect the lake there. In which case, it would be irrelevant and potentially misleading to raise it as a general issue where there is no risk of harm. I consider no modification is required to the Plan in response to this objection.

RECOMMENDATIONS

1.500 i. The SMLP be modified in accordance with proposed change PDA52(part), in so far as it affects page 54 of the Plan, as set out in the schedule of post deposit amendments, CD.B5.

ii. The SMLP be modified by the inclusion of the following at the end of paragraph 5.1.5:
Under the Environment Act 1995 (Review of Mineral Planning Permissions) the Minerals Planning Authority has published a 'First List' of sites (May 1996) with planning permission to be subject of review. Amongst other matters, the review may include a re-examination of the duration of these old sites which, in many cases, is currently given as 2042 by virtue of the Town and Country Planning (Minerals) Act 1981. The 'First List' includes sites which are dormant and which do not appear on the Proposals Map or its insets.

APPENDICES

Preliminary comment

1.501 The status of these appendices is not entirely clear to me. It seems some are intended as supplementary planning policy guidance. In which case, following the advice given in PPG12 Development Plans and Regional Planning Guidance (CD.A4), they may be better divorced from the Plan entirely. Others are seemingly included for information purposes. If this is so, then I consider a clear divider needs to be inserted into the Plan before the appendices, with a note explaining the status (vis-a-vis formal adoption) and purpose of the Appendices.

RECOMMENDATION

1.502 A clear divider is inserted into the Plan to precede the Appendices and a note included to explain the status and purpose of the appendices.

Appendix 1 Environmental Appraisal

Objection Nos. 0654 Ightham Sandpits; 0688 D D Kent; 1079 Atlas Aggregates Ltd;

Support No. 1135 Suffolk Preservation Society

Summary of objections

1.503 i. There is no clear statement on how the planning authority has identified sites for inclusion on the Proposals Map [0654].

ii. There is no clear statement of how the planning authority may identify alternative sites should any one of the 13 specific sites need to be replaced because it has been found not to be acceptable for development. The Plan should include policies to show how minerals development would be positively promoted so as to confer overall environmental benefit, and complying with the principles of free competition and sustainability [0654].

iii. The method of identifying sites for inclusion in the Proposals Map is flawed by not taking account of the overall environmental stock that may also be enhanced through guiding development to areas that offer the most beneficial after uses. All mineral bearing
areas of the County should be re-examined to identify which sites could offer the most beneficial after-uses [0654].

iv. A minerals extraction site is a minerals extraction site regardless of the type of mineral that is being won or worked, and the appearance and methods of working are also generally similar, irrespective of the mineral being worked. There is therefore no reason to treat non-aggregates minerals any differently from aggregate minerals. Indeed for the purposes of the internal logic and consistency of decision making, it is essential that all minerals are treated the same.

v. The Planning and Compensation Act 1991 requires that minerals planning authorities prepare a Minerals Plan for their area, not an aggregates plan. Clay and chalk pits should be re-appraised on the same basis as aggregates sites [0654].

vi. Table 14 does not give an indication of possible beneficial after uses from minerals operations to balance the constraints list. A column should be included to indicate possible beneficial after uses of minerals operations as discussed with respect to ‘proposal impact analysis’ [0654].

vii. The purpose of the Deposit Draft is to identify sites within the County where sand and gravel are available in sufficient quantity and on which an application for extraction would be deemed appropriate. The apparent policy of including only areas where individual mineral owners have made formal representations would appear to be a dereliction of duty by the County Council officials in not seeking to identify all suitable areas, irrespective of owner’s representations [0688].

viii. The ‘geology’ criteria is inappropriate as a form of sieving. Whilst it is acknowledged that the MPA should make reasonable efforts to satisfy themselves that land is underlain by economically workable deposits, the details required in this case are excessive and are more appropriate at the application stage. The Plan should seek to establish the principle of extraction and not to determine a precise geological assessment. Such an approach restricts the market and is contrary to the conclusions reached by the Inspector at the Essex MLP Inquiry who recognised that the operating company should be responsible for commercial decisions, rather than the MPA [1079].

Inspector’s considerations and conclusions

1.504 Taking the points raised by Ightham Sandpits, pages 141 and 142 give the explanation of how sites were selected for inclusion in the Plan. However, I acknowledge that this explanation is somewhat buried, and a clear statement should be included in the Introduction section of Chapter 5 to explain that the sites were selected through the methodical examination of various factors, some of which rely upon a value judgement based on both professional expertise and experience as a minerals planning authority of dealing with operating and proposed sites across the County, having regard to the calculation of the likely need for sand and gravel and other minerals during the plan period. A cross reference should be made to the detailed explanation of the method given in Appendix 1. Similarly, on the second point made by the objector, the statement should draw attention to the criteria based policies under policies SMLP7, SMLP8, SMLP9 and SMLP10 which may be used by prospective developers to identify further sites and which the MPA will use to assess the acceptability of such sites if they are brought forward in a planning application.
1.505 However, I do not accept the suggested alternative text put forward by the objector as it seems to imply that the MPA has greater powers than it actually possesses. As discussed in the earlier sections of this report dealing with sustainability, I have accepted that the SMLP is primarily protectionist and preservationist in its stance. Whereas a pro-active approach, would be an alternative philosophy, to be as effective as the objector envisages, the MPA would firstly have to have perfect knowledge of all possible mineral deposits across the County and all possible after-uses, and secondly it would need powers to positively direct development to particular sites, irrespective of the wishes of the landowners. The development plan system in England and Wales is largely permissive, in that it identifies areas where development may or may not take place, but it does not identify areas where development will take place, and to what end. If a landowner does not wish to bring his land forward for development and a developer does not consider a particular end use is attractive or feasible, the MPA cannot impose its own preferences. Therefore the pro-active philosophy preferred by the objectors, even if it were workable, would probably be incompatible with the planning system in England and Wales.

1.506 I do not see the basis for the claim made by Ightham Sandpits that sand and gravel sites have been subject to different consideration from that applied to other minerals. Table 15 (page 165) includes consideration of sites OP2, OP6 and OP12 against exactly the same criteria as the sand and gravel sites considered on the earlier part of the Table on page 164. I do not consider this is solely an aggregates plan, although clearly aggregates dominates the Plan's proposals as this the major economic mineral type in the County.

1.507 With no energy minerals or hard rock deposits the scope of the Plan is limited by the geology of the County. Ightham Sandpits do not identify which minerals have not been adequately covered by the Plan. I consider the MPA have fulfilled the requirement to produce a minerals local plan for the County.

1.508 On the final point made by Ightham Sandpits, Table 14 does not need to include a reference to the potential beneficial after-use of a site as this was not one of the criteria used by the MPA. In view of the fact that the SMLP is primarily driven by a protectionist and preservationist philosophy, a column to list possible beneficial after-uses would be out of place. However, it may be open to a potential developer, basing an application upon the criteria based policies, to argue that the benefits of the potential after-use are so significant that it should be taken into account as support for the scheme, if necessary as justification for an exception to the policy.

1.509 Turning to the point made by Mr D D Kent, MPG1 (CD.A11) and MPG6 (CD.A15) give advice on the preparation of plans which cover aggregates minerals. Paragraph 46 of MPG1 advises generally it would not be appropriate to show only areas of search in a plan, and the MPA should identify specific sites or areas of search, with a strong preference for at least some specific sites. Paragraph 60 of MPG6 goes on to say that sites should only be identified where there is a degree of certainty over the quality and quantity of the minerals underlying the site and where there is confidence that the site would become available during the plan period. That is, the attitude of the landowners and operators is very relevant. In which case, the MPA have complied with their duty in the preparation of the Plan, and to have included areas irrespective of the owner's representations would have been irresponsible as there would have been no certainty that the minerals might become available during the plan period. Carrying on from the point raised in response to the objections made by Ightham Sandpits above, the development plan system in England and Wales is permissive rather than directive, and can only identify areas where development would be allowed rather
than where it has to take place. MPA have no powers to force owners to make their land available for mineral exploitation.

1.510 **Atlas Aggregates Ltd** have not supplied me with the relevant extract from the Essex Minerals Local Plan and therefore I cannot gauge the relevance of the comment cited in the objection, nor assess whether it is appropriate in the context of the SMLP. Whilst the geological sieve criterion may be seen by the objector as an unreasonable constraint upon the commercial judgement of an operating company, I agree with the MPA that other considerations are also relevant. Given that the dominant market for extracted sand and gravel is probably concreting, for reasons of minimising haulage, I consider it is reasonable for the MPA to exclude sites where there is a low stone content. This would be compatible with the Government's policy of sustainability, as set out in PPG13 (CD.A5), based on reducing the need to transport goods by road (ie to move material between sites for blending before sale). Alternatively, it may result in extensive areas either being left unworked or the sand stockpiled and used only to backfill worked areas. This would be environmentally irresponsible in that there could be a significant degree of disruption for very proportionately little benefit for society at large. It would be irresponsible of the MPA to give the impression that sites would be acceptable even if they would probably only be viable if they were coupled with imported materials.

1.511 It may be that in future the proportion of imported hard rock, either brought in from elsewhere in the UK by train or landed through the docks from coastal super quarries, may alter the balance of needs within the County and quarries which have a low stone content may become acceptable as only sand would be needed to blend with the imported stone to supply the concreting market. In which case, sites with a high proportion of sand would become attractive in terms of overall resource planning.

**RECOMMENDATIONS**

1.512 The SMLP be modified by including in the Introduction to Chapter 5 a paragraph which gives:

- a brief explanation of how sites were selected for inclusion as a proposal in the Plan;
- a cross reference to the detailed explanation of the methodology used in Appendix 1;
- an indication of how alternative sites would be assessed in the event of the identified not coming forward.

**Appendix A: Structure Plan policies**

Objection No. 0404 Finch & Ollett Aggregates
Summary of objection

1.513 i. There is no merit in simply reproducing structure plan policies in the SMLP. The preparation of the Minerals Local Plan provides an opportunity to replace obsolete and inappropriate policies of the Structure Plan with others which are up to date and in accordance with current national planning guidance. In particular;

- MP1 should be amended by adding ‘minimum’ before ‘a reserve of land with planning permission’, since the objective of maintaining a landbank sufficient for 7 years (rather than 10 as the policy specifies) is a minimum requirement and not a target;

- MP7 should be deleted, and with it the implication that reduction of output at other operational sites is always and necessarily undesirable;

- MP8 - National guidance makes clear that such comparisons are valid only where the comparator sites are under the control of the same operator and where operational circumstances are identical or similar;

- MP9 is contrary to national guidance, which indicates that it will not normally be appropriate to prohibit mineral extraction of all kinds in any area.

- MP10 is out of date by virtue of requiring ‘need’ to be proved to justify the development proposal. National guidance in PPG1 makes clear that planning authorities should not reject proposals simply because they hold a view that need for the particular kind of development in that area has already been catered for. The principles under which the planning system operates is that proposals should be approved in the absence of demonstrable harm to interests of acknowledged importance;

- MP11 is out of step with national guidance in that is seeks to attribute the same kind of protection to a locally designated Special Landscape Area as to areas of nationally recognised designation;

- MP13(e) - a requirement for archaeological evaluation before planning permission is granted is inappropriate. National guidance makes clear that MPAs should avoid placing unduly onerous requirements on applicants for permission. The planning condition specifying the evaluation to be undertaken.

If the MPA wishes to carry forward into the SMLP policies from the Structure Plan, the opportunity should be taken to modify them in accordance with the above comments.

Inspector’s considerations and conclusions

1.514 The MPA is correct in saying in its response to this objection that the review of the structure plan is a separate process. It is not within the scope of a local plan to review policies of the structure plan. Therefore, irrespective of the merits of the objector’s comments, the objection cannot be accepted as a revision of structure plan policies.

1.515 Having said that, the MPA’s position as portrayed in their response is not entirely straightforward. The SMLP does not duplicate the four structure plan policies referred to;
at best it takes the spirit of these policies on board, but expresses them in different words at times and in a different format, and dispersed amongst various policies of the SMLP. If it is the intention of the county planning authority to remove the four policies referred to from the structure plan, then it would seem illogical to retain them in the SMLP because when the SMLP is adopted this appendix will stand as part of the document and, once the structure plan had gone through its own review, it would no longer be an accurate representation of extant structure plan policies.

1.516 Also, the heading for the Appendix is not accurate; this is only a selection of the adopted structure plan policies. Other policies of the structure plan could be relevant in the consideration of minerals applications (for example, the Environment, Recreation and Leisure or Waste Disposal policies). Furthermore, the structure plan is only part of the development plan; policies in the district local plans, which are also part of the development plan, will also be relevant in the consideration of minerals applications (for example, the detailed boundaries of the defined landscape protection areas). The appendix is therefore only a partial replication of the remainder of the development plan, with no cogent explanation as to why it has been so selective.

1.517 In my view, including the structure plan policies is an unnecessary duplication, which could easily become out of date and therefore potentially misleading, and implies that other parts of the development plan are less important or less relevant. Furthermore, once they are part of an adopted local plan document then they would, in effect, become doubly adopted; a curious situation which doubtless would bring its own complications. I consider that the appendix should be removed from the SMLP altogether and the subsequent appendices re-numbered sequentially to follow Appendix 1.

RECOMMENDATION

1.518 The SMLP be modified by the deletion of Appendix 2 and that the following appendices should be re-numbered sequentially after Appendix 1.

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Appendix 3: Specimen planning application forms

Objection No. 0405 Finch and Ollett Aggregates
Support No. 1214 Environment Agency

Summary of objection

1.519 There is no statutory justification for including a specimen minerals application form in a development plan, much less one which seeks to extend the information normally required to be included in such an application. Appendix 3 should be deleted.

Inspector’s considerations and conclusions

1.520 If the appendix is to form part of the formally adopted Plan then the status of the application form may assume a particular significance and may remove any discretion by either the MPA or the applicant to follow the ‘Guidance Notes’ on pages 9-13 of the form
(pages 190-194 of SMLP). However, this would seem to be an extreme position. On the basis that the appendices do not form part of the Plan itself, but are attached for information purposes only, the inclusion of the application form as an appendix is, in my view, uncontroversial.

RECOMMENDATION

1.521 No modifications be made to the SMLP in response to this objection.

Summary of objections

1.522 i. The requirement for screen bunding is entirely dependent upon the circumstances of individual developments. Lower bunding than 2 metres might be appropriate in some cases and in others, bunding of far greater height than 6 metres might be warranted. In specifying a minimum of 2 metres and an implied maximum of 6 metres, the MPA infers minimum and maximum bund heights which will not be appropriate to all mineral extraction sites. The Plan should be revised to say only that the height of screen bunds will need to be appropriate to the circumstances and the stages of development on each site [0406].

ii. The first paragraph of ‘Practical Points’ on page 196 implies that in all cases screen bunds must be formed from materials obtained from within the mineral site and extraction area. If screen bunds of greater height than can be formed from material within the site are a legitimate planning requirement, then there is clearly no reason why that need should not be met by importing topsoil, subsoil and other suitable material in order to form bunds which will meet that legitimate planning requirement [0406].

iii. The diagram on page 200 is heavily biased towards non-sports water-based reclamation [2009].

Inspector’s considerations and conclusions

1.523 The MPA propose to change to wording of the first paragraph of ‘Practical Points’ to acknowledge that it may be necessary and acceptable to use imported soils to form screen bunds (PDA36 - CD.B5). The proposed change has been on public deposit and has not attracted counter objections. I will take the proposed change into account in my consideration of these objections.

1.524 Whilst not raised by the objectors, I must comment first of all on whether it is appropriate to include this information in the Plan as an appendix. It seems to me that this section is more in the nature of supplementary planning guidance (see paragraphs 3.18 and 3.19 of PPG12 - CD.A4), as it does not seem to include any policies per se. In the light of the requirement of Section 54A of the Town and Country Planning Act 1990 (as amended) that an application for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise, there would be little
scope for applying the contents of this appendix flexibly if it remained as part of the Plan
document. I consider the appendix should be removed from the Plan and, if still appropriate,
made available as a separate supplementary planning guidance document.

1.525 The proposed change meets the second point raised by Finch & Ollett Aggregates
and I consider it should be included in the text, whether it remains as an appendix to the Plan
or is separated out as supplementary planning guidance. On the first point if, as the MPA’s
response indicates, that although the dimensions given in the general principles are those
which are seen as usually being required, but the height may be varied according to the
circumstances of each site, I consider it would be helpful if a statement to this effect were
included in the text.

1.526 Turning to the point raised by Sports Council, the diagram on page 200 (Figure 9)
has to be read in conjunction with the relevant passage in the preceding text. Under the sub-
heading ‘Water-based Reclamation’ the text acknowledges that mineral sites can be reclaimed
and restored to a condition to support recreational uses. The following paragraph states that
the principles illustrated in Figure 9 will be pursued only where there are suitable areas of
water. The text under the diagram specifically states that the principles illustrated do not
preclude water-based recreational uses, and that such uses can be compatible with a
restoration which promotes nature conservation. In my view, the Plan can only be seen to
be open-minded, if not actually positive, towards water-based recreational uses. I do not
consider it is heavily biased as stated by the objector.

RECOMMENDATIONS

1.527 i. The SMLP be modified by the deletion of Appendix 4 from the Plan and the
subsequent appendices renumbered sequentially. Consideration be given to publishing
the contents of Appendix 4 as supplementary planning guidance.

ii. Appendix 4 be modified in accordance with proposed change PDA36, as set out
in the schedule of post deposit amendments, CD.B5.

iii. An additional sentence be added to the second paragraph under ‘Profile’ on page
195 to read:

Whereas these dimensions have been found to be effective in most situations, the
precise height and profile will have to be considered carefully for each site, to take
account of individual circumstances.

Appendix 3 Safeguarding of mineral reserves

Objection No. 0493 J T Danby; 0683 Redland Aggregates Limited; 1305 GO-ER

Summary of objections

1.528 i. The Minerals Consultation Area (MCA) plan boundaries should be amended to
include the area indicated on the objector’s plan, to the south of Beccles Bypass. The area
contains sand and gravel reserves and was partially excavated for the construction of the
Beccles and Worlingham Bypass. It is believed that part of the area is included within the consultation document but the whole area should be included [0493].

ii. The reference to safeguarding land outside MCA’s is supported. However, it is felt that a specific policy setting out the authority’s safeguarding criteria is required [0683].

iii. Although the safeguarding of mineral resources is discussed in Appendix 5, and Structure Plan policy MP6 addresses the protection of mineral reserves and potential resources, there should be a safeguarding policy in the Plan which also seeks to safeguard wharves, depots and railheads which may be needed for the importation of materials, in line with the guidance in paragraphs 67-68 of MPG6 [1305].

Inspector’s considerations and conclusions

1.529 The MPA propose to change the Plan by a minor revision to point c) under the second paragraph relating to MCAs (PDA52(part) - CD.B5), and subsequently by a more general revision to the first part of the appendix to include references to railhead facilities (PDA84 - CD.B24). PDA84 does not include PDA 52(part). It is also proposed to change the MCA map by including an area to the south of the Beccles bypass, to the east of the town (PDA37 - CD.B5) All of the proposed changes have been open to full public consultation and have not attracted counter objections. I will take the proposed changes into account in my consideration of these objections.

1.530 PDA 87 takes account of the objection raised by GO-ER by including references to railheads. This appears to be sufficient to cover relevant interests within Suffolk and the proposed change should be included as a modification to the text. [PDA37 also takes account of the objection made by J T Danby, to the extent of the area pursued under objection 0492. I see this as a uncontroversial change and the MCA plan should be modified accordingly.

1.531 With regard to the objection made by Redland Aggregates I agree with the MPA, that the reference to the MCAs is only advisory and does not require a formal policy in the Plan. The MCAs are given their statutory authority under Schedule 1, paragraph 7 subparagraph (3)(c) of the Town and Country Planning Act 1990.

1.532 As a consequence of my recommended modifications to Policy SMLP7, which includes the deletion of criterion (b) as originally drafted, the reference to SMLP7(c) at the end of this appendix will have to be amended to SMLP7(b)

RECOMMENDATIONS

1.533 i. The SMLP be modified in accordance with proposed change PDA84, as set out in the schedule of post deposit amendments, CD.B24.

ii. The SMLP be modified in accordance with proposed change PDA52 in so far as it affects Appendix 5, as set out in the schedule of post deposit amendments, CD.B5.

iii. The SMLP be modified in accordance with proposed change PDA37, as set out in the schedule of post deposit amendments, CD.B5.

iv. The reference to Policy SMLP7(c) in the final sentence of the text be modified to SMLP7(b).
MISCELLANEOUS MATTERS

Consultation with Norfolk County Council

Objection No. 0383 Norfolk County Council

Summary of objection

1.534 The Plan's policies should make it clear that Suffolk County Council will also need to consider the effects of traffic on roads in Norfolk and routing agreements may include routes in Norfolk.

Summary of objection

1.535 The role of the SMLP is to set out the policies which will be used to control minerals development in Suffolk. It does not need to explain the consultation procedures which the MPA will use as these would not directly affect the general public, landowners and operators, or other users of the Plan. Also, the scope of the MPA's responsibilities only extend as far as the administrative boundaries of Suffolk County Council, and I consider it would be entirely inappropriate, if not ultra vires, for the SMLP to include policies which would have effect outside Suffolk.

1.536 Consultation with a neighbouring authority is not a requirement of the Town and Country Planning (General Development Procedure) Order 1995. Having said that, I have no reason to doubt that the MPA does, and will continue to, consult with all relevant neighbouring authorities on a voluntary basis where development in Suffolk may give rise to significant effects across the County boundary. However, I do not consider it necessary to refer to this in the Plan.

RECOMMENDATION

1.537 No modifications be made to the SMLP in response to this objection.

Prevention of coastal erosion

Objection No. 0436 Mr J A McAdam

Summary of objection

1.538 Consideration should be given to the deposition of non-toxic waste along the coastline to counter coastal erosion.

Inspector's considerations and conclusions

1.539 The SMLP only considers the demand for and supply of minerals. Matters such as waste disposal and coastal defence are beyond the scope of the Plan. Consequently it would be inappropriate for the Plan to include any consideration of the point raised by the objector.
RECOMMENDATION

1.540 No modifications be made to the SMLP in response to this objection.

Objection No. 0684 Redland Aggregates Ltd

Summary of objection

1.541 The Plan should address the circumstances where the need for development must be weighed in the balance against other considerations.

Inspector’s considerations and conclusions

1.542 ‘Need’, as used by the objector, is assumed to refer to circumstances where allocated or proposed sites have not come forward for development or production levels at permitted sites are not sufficient to satisfy the market demand, having regard to the overall supply situation in the context of the EAAWP agreed apportionment. Policy SMLP7, as proposed to be changed and as recommended to be modified by me, would offer the opportunity for other sand and gravel sites to be brought forward under such circumstances, and offers clear guidance as to whether planning permission would be granted or not. Other minerals are covered by similarly structured policies later in the Plan.

1.543 The implication behind the objection is that a planning permission might be justified by circumstances other than those envisaged in the Plan. This might be so but, because the Plan gives fairly comprehensive guidance for the consideration of schemes which are not included as proposals in the Plan, anything else would fall into the bracket of exceptional circumstances. Whereas Section 54A of the Town and Country Planning Act 1990 requires that an application for planning permission shall be determined in accordance with the development plan, it also allows for decisions which are not in accordance with the plan where material considerations indicate otherwise. That is, exceptional circumstances may justify a grant of planning permission, but they will have to be addressed individually and on their own merits. Almost by definition, exceptional circumstances cannot be defined or prescribed in the Plan.

1.544 Under my consideration of the objections to Policy SMLP7 I have recommended that the Plan should identify areas of search for the long term landbank, and that a policy should be included to control the release of sites in these areas. I recommend that the policy should include references to supply and demand as well as environmental matters. I consider this would, if only in part, address the concern raised by the objector. I do not consider any further modifications to the Plan are needed to cover this point.

RECOMMENDATION

1.545 No modifications be made to the SMLP in response to this objection.
Potential for sports at restored sites

Objection No. 1200 Sports Council

Inspector’s considerations and conclusions

1.546 Opportunities for the after-uses of old minerals sites for sports should be cross referenced to other plans. There is much advice on reclamation for sport which should be referred to in the text. Encouragement should also be given for Section 106 agreements.

Inspector’s considerations and conclusions

1.547 The responsibilities of the MPA only extend as far as ensuring that land is reclaimed and restored to a condition which would be capable of supporting an acceptable after-use. As stated on page 198 in Appendix 5, it would be the responsibility of the district councils to decide what was an acceptable after use. This may, of course, include sport of some kind, whether water-based or not. It may be that, through consultation and liaison between the operator, the MPA the district council and any interested agency, the working and restoration scheme for a minerals site may be designed to positively create a sports facility, but I consider such initiatives should not be imposed upon the MPA as a duty.

1.548 In the same vein, cross referring to other policy documents and published guidance on only one possible after-use could be seen as unreasonably skewed. In fairness, if one potential after-use was mentioned in detail then so would all others. I do not consider the objector’s suggestion is desirable, even if it were feasible.

1.549 Obligations under Section 106 of Town and Country Planning Act 1990 are a detailed matter, of specific relevance to individual sites and particular development proposals. I do not consider it appropriate for the SMLP to include a policy which universally encourages such obligations, particularly as all matters of concern may be covered by a planning permission and the attaching conditions. In which case Section 106 obligations may be entirely unnecessary. If they do become necessary, then they cannot be forced upon a developer through the operation of a development plan policy - the essential characteristic of a planning obligation is that they are entered into voluntarily - either by agreement or unilaterally.

RECOMMENDATION

1.550 No modifications be made to the SMLP in response to this objection.

Restoration of sites in the Lark Valley

Objection No. 1260 Lark Valley Association
Summary of objection

1.551 There is an objection to the proposal to ‘restore’ sites in the Lark Valley to water in nearly every case. Consideration should be given to some alternatives.

Inspector’s considerations and conclusions

1.552 At the inquiry the objector clarified that the sites which gave the Association particular cause for concern are C2 Cavenham Heath Quarry (north and south), C3 Hall Farm, Lackford and C31 Park Farm, Timworth.

1.553 The sites which are of concern to the objector are all committed sites with planning permissions and agreed restoration schemes. The only new site in the Plan which lies within the Lark Valley is P46, an extension of Cavenham Heath Quarry. The latest thoughts on the restoration of this site were put forward by Environomics Ltd in August 1997, and conveyed to me by Mr Fenton’s letter of 10 September 1997. This shows that, apart from a small area to the north of the site, it will be restored as land, albeit at a lower level. The northern part will be restored as a reed bed. The details set down against the site preceding Inset Map 10 in the Plan reflect this.

1.554 Consequently, the Plan does not propose a wet restoration for any of the sites in the Lark Valley. It is not the role of the SMLP to review or amend planning permissions already granted. If the opportunity arises to reappraise the restoration of the committed sites, for example through a review of the planning conditions under the terms of the Environment Act 1995, this may an appropriate time to examine what alternatives are both feasible and desirable. However, I do not consider any action needs to be taken in this Plan in response to this objection.

RECOMMENDATION

1.555 No modifications be made to the SMLP in response to this objection.

Objection No. 1307 GO-ER

Summary of objection

1.556 There are three typographical errors in the deposit draft document.

Inspector’s considerations and conclusions

1.557 The MPA propose to change the Plan by correcting the words identified (PDA49 - CD.B5). The proposed changes have been open to full public consultation and have not attracted counter objections. I will take the proposed changes into account in my consideration of this objection.
1.558 The proposed changes are clearly necessary and uncontroversial. I consider the Plan should be modified accordingly.

RECOMMENDATION

1.559 The SMLP be modified in accordance with proposed change PDA49, as set out in the schedule of post deposit amendments, CD.BS.