Independent Examination of Suffolk Minerals and Waste Local Plan

Matters, Issues and Questions

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An Inspector appointed by the Secretary of State
Date: 29th April 2019

Introduction

Following my initial examination of the Suffolk Minerals and Waste Local Plan (SMWLP) Submission Draft (June 2018) and the supporting material I set out below the Matters (topics) and Issues (points for consideration) that will form the basis for discussions during the Hearing sessions. Matters and Issues may change as the examination progresses, although participants will be given an opportunity to comment on any new issues that arise.

The Plan was submitted on 21 December 2018 and will be examined under the 2012 National Planning Policy Framework (the Framework) under the provision in paragraph 214 of the revised Framework. In this note I shall pose questions of the Council that potentially go to matters of soundness or which concern representations made. In framing them I have had regard not only to the definition of soundness at paragraph 182 of the Framework but also the principles for Local Plans set out in paragraph 157. The Framework also establishes that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan. The SMWLP should therefore set out clear policies on what will or will not be permitted.

I set out below my general and detailed comments and questions which should be addressed in hearing statements. Answers should be supported by reasons and section(s) of the supporting documents and evidence bases should be referred to as appropriate. A separate document should be submitted in response to each Matter. The Council and all other participants should submit hearing statements to the Programme Officer by 17:00 on 4 June 2019.
A. Legal Compliance

Matter 1 – Duty to Co-operate and Legal Issues

Issue: Whether the Plan complies with all relevant legal requirements, including the Duty to Co-operate.

Duty to Co-operate

1 Please give a brief summary of how the duty to co-operate has been met in terms of strategic matters including any cross-boundary matters and maximising the effectiveness of plan-making.

2 What conclusions have been drawn from the Suffolk Local Aggregates Assessment regarding the duty to co-operate?

3 What conclusions have been drawn from the Suffolk Waste Study Update regarding the duty to co-operate?

4 Please describe the nature and extent of any engagement with prescribed bodies other than the consultations that have taken place on Issues and Options, Preferred Options and at Pre-submission stage.

5 Please describe the nature and extent of any engagement with neighbouring and constituent planning authorities other than the consultations that have taken place on Issues and Options, Preferred Options and at Pre-submission stage.

6 Are the activities of any body in subsection (9) of S33A of the Planning and Compensation Act relevant?


7 Please confirm that all the bodies listed in Appendix 1 of the Consultation Statement (December 2018) were consulted.

Conservation of Habitats and Species Regulations 2017 Part 6

8 Has further assessment been undertaken to address the concerns set out in Natural England’s (NE) letter of 17 December 2018?

9 What is the Council’s response to NE’s concerns about non-inclusion of Sizewell ‘A’ in the assessment?

10 Does the judgement (C-461/17 Holohan and Others) have implications for the Habitats Regulations Assessment?
B Soundness

Matter 2 – Vision, aims and objectives and general policies

Issue: Whether the vision, aims, objectives and general policies provide an appropriate basis for sustainable minerals and waste development.

11 Should the key diagram indicate proposed minerals and waste development as stated in Objective 2?
12 Should this objective be to provide a spatial strategy for the location of minerals and waste development?
13 How do the objectives achieve the first aim of making adequate provision for minerals and waste development?
14 Are there any policies which deal specifically with flood alleviation and/or public water supply, as referred to in Objective 6?
15 Should the aims and objectives specifically address the need to move waste up the hierarchy?
16 Should the aims and objectives specifically address the need to work towards self-sufficiency?

Policy GP1 – Presumption in favour of sustainable development

17 Should Policy GP1 (a) state 'taken as a whole'?

Policy GP3 – Spatial strategy

18 In paragraph 4.10 (d) and (e) is the marine-dredged sand and gravel and the aggregates landed at Ipswich used in the County or exported outside of the County?
19 In Policy GP3 do all minerals proposals need to be close to major centres of population?
20 Should the major centres be defined?
21 Is the policy sufficiently clear in that the key diagram only indicates urban areas, lorry routes, railways and environmental designations?

Policy GP4 – General environmental criteria

22 Should Policy GP4 require proposals to accord with national policy on designated landscapes and habitats and heritage assets?
23 Should the policy require net biodiversity gain where possible?
24 Should Policy GP4 include a requirement to submit sufficient information to enable the Council to carry out Appropriate Assessment where there may be an adverse impact on an internationally designated site?
25 Is the wording of the policy clear, in particular some of the criteria may be ‘effects’ rather than ‘significant adverse impacts’. The use of the terms ‘national or local guidelines’ is vague and ‘any hierarchy of importance’ is not explained. Criterion (s) which appears intended to encourage
consideration of alternative forms of transport is not worded as such and appears out of place in the list of significant adverse impacts.

26 Should protected or ancient woodland/trees be added to criterion (c)?
27 Should archaeological interest be added to criterion (f)?
28 Should the policy include a requirement for cumulative impact to be assessed?

**Matter 3 – Minerals policies and sites**

**Issue 1:** Whether the policies are positively prepared in terms of making adequate provision for minerals.

**Issue 2:** Whether the policies are consistent with national policy with specific regard to protection of the environment.

**Issue 3:** Whether specific policy requirements are justified and effective.

29 How does the plan provide for flexibility in its policies for provision of aggregates?
30 Should paragraphs 5.17 and 5.21 state 'subject to the requirements of the Town and Country Planning General Permitted Development Order’?
31 Does the Plan encourage greater use of recycled aggregates?
32 Please describe how the supply of, and demand for, imported aggregates has informed the Local Aggregates Assessment.
33 What provision, if any, is required to allow for potential fluctuations in the supply of crushed rock?
34 What provision, if any, is required to ensure adequate supplies of aggregates for infrastructure projects?
35 Does paragraph 5.6 (f) provide sufficient clarity as to the potential for demand for aggregates from significant infrastructure projects in Suffolk?

**Policy MP1: Provision of land won sand and gravel**

36 How does the planned provision relate to any apportionment agreed with the Local Aggregates Working Party?
37 Does the Plan make sufficient provision for sand and gravel to allow for housebuilding in accordance with planned rates?
38 Are average sales over the last 3 years looked at in order to establish trends?

**Policy MP2: Proposed sites for sand and gravel extraction**

39 Please provide details, or direct me to the relevant document containing the analysis of the Site Assessment Reports which indicates that the sites contain 14.770 Mt of sand and gravel.
40 Is there any analysis of the Wherstead site? (Ref. M9)
41 Is it possible to estimate at this stage the reduction to the potential resources due to planning constraints?
42 There is an inconsistency in numbering of the proposed sites between the policy and the proposals map.

*Policy MP3: Borrow pits*

43 What is the justification for the 10km distance?
44 Would the policy be effective in ensuring that borrow pits are only worked and reclaimed as part of the project to which they relate?

*Policy MP5: Cumulative environmental impacts and phasing of workings*

45 How would the phasing provision work in the context of a planning permission and the standard time for commencement of development?

*Policy MP6: Progressive working and restoration*

46 Should restoration proposals also focus on the historic environment?

*Policy MP9: Safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials*

47 Please explain the requirement that “any mitigation required falls on the development that receives planning permission last”.
48 Should the types of development that may be “potentially conflicting” development be defined?

*Policy MP10: Minerals consultation and safeguarding areas*

49 Should the last paragraph of the policy refer to ‘Minerals Consultation Area’?
50 What is the justification for the 5ha threshold in part (a) of the policy?
51 What is the justification for safeguarding land within the 250m consultation area?

*Policy MS1: Barham*

52 Has there been any discussion with Mid Suffolk District Council about the proposed residential allocations?
53 Would the proposed southern extension be closer to the land bid than the existing quarry, and what likely mitigation measures would be needed?
54 In paragraph 8.9 can impact on the settings of heritage assets be ruled out at this stage or should this be left to the planning application stage?
55 Should the policy be more specific in terms of conservation of the Site of Special Scientific Importance?
56 Should the policy require mitigation measures for any impacts on habitats and wildlife?
57 Should the text state the dimensions of the visibility splays?
58 Are the hedges along the splays within the ownership or control of the quarry operator?
59 In paragraph 8.15 should the archaeological field evaluation and deposit modelling be done before submission of an application?

Policy MS2: Barnham

60 In paragraph 9.16 should the archaeological field evaluation and deposit modelling be done before submission of an application?
61 Please provide details of the stockpiling area at Contract Farm.
62 Should the policy refer to the need to assess potential effects on the settings of listed buildings, as referred to in paragraph 9.10?
63 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?
64 Should the policy require measures to prevent dust impact on the Special Area of Conservation?
65 Should the policy require restoration suitable for stone curlew?

Policy MS3: Belstead

66 Are the wooded tracks which are to be safeguarded distinct from the public rights of way?

Policy MS4: Cavenham

67 In paragraph 11.16 should the archaeological field evaluation and deposit modelling be done before submission of an application?
68 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?
69 Should the policy require seasonal working to avoid stone curlew nesting?
70 Should the policy make specific provision for an inert waste recycling facility?

Policy MS5: Layham

71 Should the policy require an archaeological investigation?

Policy MS6: Tattingstone

72 Are there any proposed sites in the joint local plan that may be affected by the quarry extension?
73 Should the requirement for an archaeological field evaluation and deposit modelling be prior to submission?
74 Should the policy set out the specific requirements of the habitats regulations with regard to the European site (the Stour & Orwell Special Protection Area) and require submission of adequate information to enable an appropriate assessment to be carried out?
75 Please clarify the arrangement for provision of a soil storage/screening bund, as the allocated area is less than the area proposed on the operator’s plan.
76 The policy requires the diversion of Bridleway 37A but paragraph 13.22 has specific requirements. Please clarify these.
77 How would the hazardous waste infill of the existing quarry be contained?

Policy MS7: Wangford

78 Should the policy require demonstration of exceptional circumstances for development in the Area of Outstanding Natural Beauty (AONB), as required by national policy?
79 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?
80 In paragraph 14.12 should the archaeological field evaluation and deposit modelling be done before submission of an application?
81 Does the policy take into account the AONB Management Plan?

Policy MS8: Wetherden

82 Are there any proposed residential allocations in the draft joint local plan that would be affected by the quarry extension?
83 Is there a public right of way between the existing quarry and the extension site, and if so, would this need to be diverted?

Policy MS9: Wherstead

84 Should criterion (a) require provision of a stand-off from the adjacent ancient woodland?

Policy MS10: Worlington

85 Should the policy set out the specific requirements of the habitats regulations with regard to the European sites and require submission of adequate information to enable an appropriate assessment to be carried out?

Matter 4 – Waste policies and sites

Issue 1: Whether the policies are positively prepared in terms of making adequate provision for waste.

Issue 2: Whether the policies are consistent with national policy with specific regard to protection of the environment.

Issue 3: Whether specific policy requirements are justified and effective.
Given the short period of time over which a decline in waste from London has been recorded, is the zero provision for London waste in the Plan based on a robust assumption?

What growth assumption is used for commercial and industrial waste?

What assumptions are made about future recycling rates?

Should paragraph 6.7 state the net treatment capacity that will be required in 2036 after recycling has been taken into account, and state what the available treatment capacity is?

Do the figures for transfer capacity in the Suffolk Waste Study include any treatment capacity?

How does the plan facilitate a move away from landfill?

What methodology has been used for calculating future housing provision up to the end of the plan period, and how has this been included in the assessment of need for waste facilities?

Have any assumptions been made about any change in the tonnage of waste generated per household over the plan period?

Does the Council envisage any reduction in movements of waste into and out of the County?

Policy WP1: Management of waste

Should the policy refer to monitoring and review of the annual levels of waste arisings over the plan period?

Policy WP2: Proposed site for radioactive waste management

Please describe the nature of the envisaged radioactive waste facility. Is the size of the potential facility known?

What is the identified need for a facility to process imported radioactive waste?

Please explain the last sentence of paragraph 6.10. If a facility were proposed to deal with waste that is already on site how would this be controlled?

There appears to be conflict with paragraph 6.7 (h) which states that it is not necessary to plan any provision, and this should be amended.

Policy WP3: Existing or designated land-uses potentially suitable for waste development

Should the text explain the reasoning behind the restrictions on specified types of waste management facility in specific areas?

Policy WP7: Anaerobic digestion

Should the text explain the reasoning behind allowing anaerobic digestion facilities to be integrated with waste water plants?
Policy WP8: Proposals for recycling or transfer of inert and construction, demolition and excavation waste

101 Whereas Policy WP3 states that waste management facilities may be acceptable within the specified areas, Policy WP8 states that proposals for recycling or transfer of inert and construction, demolition and excavation waste will be acceptable in those areas. As the environmental impacts of these facilities may be significant, would they be acceptable on all existing or allocated employment land or brownfield land?

Policy WP11: Approval of sites for disposal of inert waste by landfilling or landraise

102 What is meant by the first sentence of the policy ‘Additional void space … for the deposit of inert waste may be acceptable…’?

103 Should the policy refer to Policy MP6?

104 Should the policy include a requirement for restoration?

Policy WP12: Disposal of non-hazardous or hazardous waste by landfilling or landraising

105 What is meant by the first sentence of the policy ‘Additional void space … for the deposit of non-hazardous or hazardous waste may be acceptable…’?

106 Does the policy adequately promote waste treatment in accordance with the waste hierarchy? Should it state that disposal by landfilling or landraising would be a last resort?

107 Should the policy include a requirement for restoration?

Policy WP15: Transfer, storage, processing and treatment of hazardous waste

108 What is the justification for the 5% requirement in the policy?

Policy WP18: Safeguarding of waste management sites

109 Please explain the requirement that “any mitigation required falls on the development that receives planning permission last”.

110 Should the types of development that may be “potentially conflicting” development be defined?

Policy WS1: Sizewell A Nuclear Power Station

111 Should the first sentence state the type(s) of development that will be acceptable?
Should criterion (c) require demonstration of exceptional circumstances in accordance with national policy?

Should criterion (f) also require surface water mitigation measures?

What is the justification for the requirement to safeguard existing pylons?

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