Dear Mr Palmer

Independent Examination of Suffolk Minerals and Waste Local Plan

This submission follows the comments we submitted as part of the consultation by Suffolk County Council on the Suffolk Minerals and Waste County Plan (“SMWLP” or the “Plan”) in 2017 and 2018. A lot of information that was in these documents was ignored by SCC as having already been addressed. We hope that you will have been able to review these documents.

1. We do not consider the Plan legally compliant

The first point we raised in 2017 and to which we have not had a satisfactory reply from SCC is whether the Plan, by including a site within an Area of Outstanding Natural Beauty, is legally compliant.

In 1997 an Inspector’s Report was published into the Suffolk Minerals Plan then being debated. His conclusion categorically ruled out the possibility of exceptional circumstances that might overturn AONB protections arising in any Plan (as opposed to a specific planning application).

“to comply with Government and Suffolk County Structure Plan policy it could only be justified on grounds of exceptional circumstances. By definition, schemes which can only be justified under exceptional circumstances cannot be a development plan policy or proposal.”

This judgement was overturned by SCC in 1998 on a basis that we believe failed to recognise the point of the ruling (SCC Development Control Committee, 26th January 2006 summarises).

Having examined the original report and the context of the above quoted statement we are satisfied that the statement is unequivocal, and not qualified by any conditions. However, SCC is unable to produce minutes of the subsequent discussion that resulted in it being ignored, or any legal advice that it was proper for SCC to do so.

Our conclusion is that the original Inspector’s statement remains correct and therefore that the 1998 SCC decision was in error and possibly illegal. Since it does not address this issue of principle or produce any evidence to counteract the Inspector’s statement, SCC’s decision to include Lime Kiln in the Plan is not legally compliant.

2. In relation to Policy MS7, Wangford Lime Kiln in Reydon parish (“Lime Kiln”) we consider that the Plan

a) Has not been positively prepared

The Plan should focus on Suffolk but does not set out objectively assessed requirements with regard to local (ie within Suffolk) demand for aggregate in relation to Lime Kiln (Cemex confirm that the
sand at Lime Kiln is “worthless” and will not be sold). A substantial percentage of Lime Kiln’s proposed output – 50% – will go outside the county. Cemex admit that “this quarry will be the main hub in East Anglia” once Flixton closes.

Local demand is quite small – the majority of aggregate quarried will go outside the county. The only industry representation in favour of the quarry extension came from a Norfolk business.

While close to the A12 the site is remote from major areas of settlement within the county. The development at Sizewell will be substantially serviced by sea.

We argue that SCC has not properly investigated whether local demand in the Plan period could be met by other means or other resources eg remaining licenced resources at Henham.

b) **Is not justified**

The Plan dismisses the alternative of marine dredged aggregate on the basis that

“alternative sources such as ... marine dredged sand and gravel are unable to provide a suitable alternative due to ... economic viability”

and

“while large quantities of marine dredged aggregate are licenced off the coast of East Anglia, relatively small quantities of this are landed in Suffolk and where this material is landed is determined by the market”.

Cemex holds the principal licences for marine aggregate extraction off the coast of East Anglia. Their website states that “our marine resources are an increasingly important alternative source of aggregates.” Yet executives at Cemex responsible for the current Wangford site admitted during a site meeting that they had had no contact whatsoever with Cemex Marine.

Other companies have expressed strong interest in landing marine dredged aggregate in Suffolk (ABP “...is currently giving active considerations – along with potential customers – to its [the Lowestoft wharf] use for the import of aggregate, a use for which ABP consider there to be a clear demand” and Brett’s reply to the previous consultation stated “I wish to reiterate the importance of marine aggregates within the Suffolk market. Given the prevailing sandy nature of the minerals reserves within Suffolk, there is a demonstrable need for a consistent and reliable supply of stone which is successfully supplied through the Brett site at Ipswich Wharf. Brett is committed to maintaining this vital facility and will actively seek options to enhance the wharf operation as required/ available to support the Suffolk market…”). Operators believe that supply from offshore for East Anglia will be inevitable when onshore resources are exhausted.

While the geology is very similar, historically marine dredged aggregate has been more costly than onshore quarries. However, we have been told by other industry participants that as long as SCC continue to approve further (lower cost) onshore quarrying most marine aggregate will continue to go to London and the Continent.
SCC therefore holds the key to the future of marine aggregate in Suffolk. Their statement that it is entirely in the hands of the market is not correct and shows a misunderstanding of how the market operates – perhaps heavily influenced by the operator of the Wangford site promoting Lime Kiln?

In an email dated 22nd June 2018 Graham Gunby, Development Manager, Growth, Highways & Infrastructure Directorate at Suffolk County Council stated that “SCC have no specific policies regarding marine dredged sand and gravel other than the safeguarding of wharves”. This is inadequate in the context of their proposed granting of permission for quarrying in the AONB.

By ignoring marine aggregate SCC has failed to justify the lack of alternatives that underpins their argument of exceptional circumstances that permit the over-riding of proper AONB protections at the Lime Kiln site.

\[c\) Is not effective\]

SCC appears to misunderstand the nature of protections of the AONB and has consistently failed in its duty.

Past approvals for quarrying at Wangford have consistently prejudiced the local community.

- Quarrying has been constant since the 1950s.
- Exceptional circumstances to override Wangford’s AONB protections have twice been fabricated, in 1999 and 2006, by the surrender of dormant licences outside the AONB at the expense of Wangford and the AONB. On each occasion, when judged in isolation, planners – including the current senior officers at SCC in charge of the current Plan – ruled against continued quarrying in the AONB.
- Formal undertakings to close the quarry given over the last 20 years have been broken.
- Commitments to provide public access to the restored quarry by 2013 have been deferred and must now be open to question given the (as yet unspecified) proposals to run trucks through the restored site for a further 10 years of the life of the proposed Lime Kiln site. Latest documents from Cemex indicate that residents will have to wait until 2032 for the site to be fully restored.

The social and cultural well-being of the community (General Policies para 4.4) are being ignored.

The approval of the solar farm at Reydon in 2013 is a case in point. The planning executive recommended against approval but Councillors over-ruled and approved. Subsequent analysis on behalf of the National Trust concluded that…”Members approved the proposal, however, but used reasons for departing from their officers’ recommendation which did not properly apply national AONB policy”. SCC’s failure to understand policy makes it unlikely that the Plan will be effective if it includes Lime Kiln.

Quarrying at Wangford should not be permitted to continue against overwhelming opposition from the local community that has received no benefit over the years. The community will seek and police conditions (regarding eg curlew nesting seasons, traffic across Mardle Road, not operating in windy conditions, mitigations against damage to tourism which is the area’s principal industry for which
this is a gateway, community benefits…) that could well make the site less economically attractive for Cemex and less competitive compared with other sources.

The case against permitting quarrying at Lime Kiln is very strong. We have received assurances that there will be no further “trades” of dormant licences elsewhere to create the exceptional circumstances that were used as the basis for permitting further quarrying in the past. Its inclusion ignores these factors and therefore again undermines the effectiveness of the Plan.

Cemex has recently submitted a planning application for quarrying at the site. We believe it is fair for planning authorities, the parish council and affected residents to be able to consider such a planning application on its merits alone in the context of its location in an AONB. However, by including the site in the Plan, SCC is committing to approve an application “without delay unless material considerations indicate otherwise”. This prejudges the normal planning process and prejudices in favour of the applicant and against residents and others whom responses to the initial consultation showed were almost unanimous in rejecting the proposed quarry site.

**d) Is not consistent with national policy**

For the reasons set out in a) and b) above SCC has not made an adequate case for the exceptional circumstances that would be required to justify over-riding the protections afforded to AONB.

SCC has ruled out other potential sites within the AONB (eg Henham) so is inconsistent in its argument by including Wangford – a much more exposed site – and with its own historic assessment of the consequences of quarrying within the AONB.

Please note that it has not been possible to review all the material submitted in Cemex’s recent planning application which only appeared on the SCC website recently.

We do not have the benefit of experience of planning matters or access to legal advice, nor have we participated before in an Inspection. The above points may well challenge other aspects of the Plan to those addressed and we trust that this will be taken into account in your objective assessment of the Plan.

We look forward to attending the hearing on 25th June to discuss this matter.

Yours sincerely,

James and Emmeline Winterbotham

Reydon Hall

3rd June, 2019