Further representations from Steven Blakeley regarding the inclusion of the proposed extension of Layham Quarry in the Suffolk Minerals Local Plan

1. Since my original representations, Brett Aggregates Limited has applied to extend the time limit attaching to the planning permission for the extraction and restoration of the current Layham Quarry site. The Planning Statement submitted in support of that application is attached as Appendix 1. My representations to Suffolk County Council opposing that application are attached as Appendix 2.

2. You will see from paragraph 3.1 of Appendix 1 that the planning consent which Brett was applying to extend was granted in 2003 and related inter alia to land for which permission to work minerals was originally granted in 1998. Under that planning consent, excavation was required to cease by 30th April 2021 and the site had to be restored by 31st October 2022. The application was to extend these dates until 30th April 2032 and 31st October 2033 respectively.

3. In paragraph 1.4 of Appendix 1, Brett states that “no major working has taken place, due to the general recession in the construction industry since 2007 and more recently because production has been concentrated at quarries which are already in production...” In fact, the recession did not start until the second half of 2008, so Layham Quarry had already effectively ceased production by that time.

4. In paragraph 1.5 of Appendix 1, Brett states that if the planning application is approved, excavation will not resume until 2023 at the earliest. In fact, there is no certainty that excavation will recommence even then.

5. In paragraph 1.6 of Appendix 1, Brett reports that its planning agent (acting on its behalf) presented the proposed extension of the timescales to a meeting of the Layham Quarry Liaison Committee on 14th November 2018. I was present at that meeting. What the planning agent actually said was that Brett would be applying for an extension of the planning period by 15 years, i.e. until 30th April 2036, with restoration to be completed by 31st October 2037. I naively pointed out to him that there would accordingly be no need for the proposed extension of Layham Quarry into the additional site included in the Suffolk Minerals Local Plan. When notification of the planning application for the extension of the timescales attaching to the planning permission for the existing quarry was received in February this year, the additional period sought had been shortened to 11 years. As there is no obligation on Brett to recommence extraction at Layham Quarry in 2023, I believe it is unlikely that they will do so.

6. You will see from Appendix 2, and in particular paragraphs 1, 2, 3, 6, 7 and 8, the reasons why I (and other local residents) opposed the planning application to extend the timescales attaching to the planning permission for Layham Quarry.

7. In particular, I believe that Layham Quarry will only be used as a last resort given the comparatively low quality of the minerals at the site and its remoteness from the market. In addition, although the infrastructure of an existing quarry is in place, it is derelict and needs replacement. Some of it, e.g. a new processing plant, may even need an additional planning permission.
8. If the existing Layham Quarry site has been sparingly used because of the low quality of the minerals in it, there must be significant doubt that the additional site included in the Suffolk Minerals Local Plan will ever be used. The geological report at Appendix 2 to the site selection report for Layham shows that 32.1% of the minerals tested were silt and only 23% was coarse aggregates. These figures compare with 11.4% and 44.1% respectively in the current Layham Quarry site. In that report, even Brett’s own quality control manager who conducted the analysis of the borehole results questioned its economic viability.

9. This additional information supports my contention that the inclusion of the proposed extension of Layham Quarry as a site in the Suffolk Minerals Local Plan is unsound, on the basis that it is extremely unlikely to be used during the plan period.

Steven Blakeley

31.05.2019
Appendix 1

to Further representations from Steven Blakeley regarding the inclusion of the proposed extension of Layham Quarry in the Suffolk Minerals Local Plan
PLANNING STATEMENT

1.0 INTRODUCTION

1.1 The Proposal

This is a Variation of Condition type of Planning Application for Layham Quarry, Rands Road, Layham, Hadleigh, Ipswich, Suffolk. The Application is submitted on behalf of Brett Aggregates Limited for, inter alia, a further period of time for the extraction of circa 900,000 tonnes remaining of sand and gravel, with progressive restoration of the land back to a mixture of nature conservation and agricultural restoration at the lower level with enhanced landscape planting. It is now proposed for extraction at Layham Quarry to be completed by 30 April 2032 with restoration completed by 31 October 2033. The total area of the application site is some 52.58 hectares, although the actual area remaining to be worked for mineral covers some 17.11 hectares of the site. The Application Area is split into two main blocks, the Plant Site south of Rands Road and the extraction area south of Pope’s Green Lane. In turn the extraction area is split into a total of 6 working areas (Phases), with Phases 1 to 3 and sub Phase 4a having been previously worked and largely restored and sub Phase 4b together with Phases 5 and 6 remaining to be worked. Linking the two main blocks is the haulage route used for the transportation of mineral from the extraction area to the Plant Site, which crosses Pope’s Green Lane.

The Application also seeks to make further changes to two Conditions of the Planning Permission which control the development. The first is to delay submission of a scheme of working and restoration for the remaining area of land to be extracted of mineral and the second is to amend the wording of the Condition which details the circumstances when a revised scheme of restoration is required to be submitted (refer to Detail of Proposed Changes below).

1.2 Background

The Planning Application has been submitted to Vary a Planning Permission issued by Suffolk County Council on 29 September 2003 (Ref B/01/00045). The Application seeks to Vary three Conditions attached to the earlier consent. The primary purpose of the Application is to Vary the Period of Permission by extending the timescale for the working and restoration of Layham Quarry until 30 April 2032 and 31 October 2033, respectively. However, at the same time the Application also seeks to Vary the condition controlling the timing of submission of a scheme of working and restoration for the remaining area to be extracted and also to Vary the condition relating to the requirements stemming from a Premature Cessation of Mineral Working by amending the original wording of the condition (refer to Detail of Proposed Changes below).

1.3 Company Profile

February 2019

Created by Stephen M Daw Limited
Brett Aggregates Limited (the Applicant) is a part of the Brett Group of Companies, operating in the South East of England and East Anglia with the Group head office in Canterbury in Kent. Brett is an independently owned construction and building materials business which has been operating since 1909. The business is based on acting responsibly, delivering quality and building relationships.

Brett Aggregates Limited is the largest independent producer of sand and gravel in the UK, with over 30 quarry sites, wharves and recycling facilities providing building materials to local construction markets. All Brett sites are accredited under the provision of the International Organisation for Standardisation (ISO).

It is intended that Brett will remain the sole operator of Layham Quarry and be responsible for all activities taking place including the development, working, restoration and aftercare of the Quarry.

1.4 Need for the Development

There is a twofold need for the development, firstly, a Company need for the future reopening of Layham Quarry and secondly, a need by Suffolk County Council in its role as Mineral Planning Authority (MPA), for the sand and gravel due to be produced over the extended lifetime of the Quarry.

The Applicant, Brett Aggregates Limited, needs to Vary the current Planning Permission in order to retain the ability to fully develop Layham Quarry as a sand and gravel production site. The current Planning Permission no longer provides a sufficiently adequate timescale for the development of the Quarry and so a further time period is sought to be able to do so and then subsequently restore the land following extraction. To date mineral has been worked from Phases 1 to 3 and sub Phase 4a with sub Phase 4b and then Phases 5 and 6 yet to be worked. In recent years no major working has taken place, due to the general recession in the construction industry since 2007 and more recently because production has been concentrated at quarries which are already in production, thus negating the need to reopen a quarry such as this one. Associated with the request for a further time period, the Applicant would firstly, wish to delay submission of working and restoration details for land south of Pope’s Green Lane and secondly, acknowledges the need to change the wording of the current cessation condition. Both these changes will better reflect the current position on site as well as going forward, yet enable the Mineral Planning Authority to retain full control of the operation.

In looking to maintain a steady and adequate supply of aggregates, Suffolk County Council, as (MPA), are required to maintain a landbank of permitted reserves of mineral. Advice from central government is this landbank should provide at least a 7-year supply of sand and gravel, with the information as to how the landbank is calculated using various output scenarios, to be set out in an annual Local Aggregate Assessment, produced by the MPA.
The following table is taken from the most recent Local Aggregate Assessment (LAA) produced by the MPA (dated April 2018).

**Table A : Sand & gravel land bank in Suffolk based on various output scenarios as at 31 December 2017**

<table>
<thead>
<tr>
<th>Method of assessing current landbank</th>
<th>Output (MTs)</th>
<th>Permitted reserves as at 31/12/2017</th>
<th>Landbank (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revised apportionment based on latest national guidelines for aggregates provision</td>
<td>1.62</td>
<td>11.82</td>
<td>7.30</td>
</tr>
<tr>
<td>Average annual sales over past 10 years</td>
<td>1.11</td>
<td>11.82</td>
<td>10.65</td>
</tr>
<tr>
<td>Average annual sales over past 3 years</td>
<td>1.12</td>
<td>11.82</td>
<td>10.55</td>
</tr>
</tbody>
</table>

Since the LAA was produced and the above Table A prepared, no reserves have received planning permission, although of course a further year of output has also occurred. The level of the landbank at the end of 2018 will therefore be somewhat lower than that that at the end of 2017.

As the site at Layham Quarry is currently permitted for the extraction of sand and gravel, the mineral reserve of 0.9 million tonnes is included in the figure for Permitted reserves as at 31/12/2017. Without the Layham Quarry reserve included, the landbank using the two average annual sales methods of assessing the landbank, would be 9.84 years and 9.75 years respectively. Alternatively, using the revised apportionment method, the landbank would be 6.74 years. Clearly then the sand and gravel reserve at Layham Quarry makes an important contribution towards the overall Countywide supply situation and helps the MPA meet its obligation in terms of providing a steady and adequate supply of aggregate by means of the aggregate landbank. It should also be noted, an extension to Layham Quarry is Allocated for mineral extraction in the adopted version of the Suffolk Minerals Local Plan, i.e. Site 4, having an estimated mineral resource of 829,000 tonnes. Clearly then a need exists to retain Layham Quarry not just to retain access to a permitted reserve but also to be able to access the Allocated reserve in the future.

1.5 **Detail of Proposed Changes**

The Planning Application seeks to make the following three main changes to the current Planning Permission:

*Extended timescales for cessation of mineral extraction and completion of restoration (Condition 3)*
Condition 3 of the Planning Permission states:

_The excavation shall cease by 30 April 2021 and the site shall be restored by 31 October 2022 or within 18 months of cessation of excavation whichever is the earlier in accordance with the relevant conditions below, unless otherwise approved by the Mineral Planning Authority._

The current end dates of 30 April 2021 and 31 October 2022 for the cessation of extraction and completion of restoration will both be extended by a period of 11 years, until 30 April 2032 and 31 October 2033, respectively. Although the Planning Permission has been implemented no significant extraction has taken place over recent years and the additional timescale sought has been designed to be able to complete extraction of all remaining permitted reserves and then be able to restore all active parts of the Quarry.

In the event Planning Permission is approved for this proposal, extraction will not resume for a period of 5 years, i.e. until 2023. At that time production will recommence at a rate of 100,000tpa and continue at that level for a period of 9 years, until all permitted reserves are exhausted, i.e. by 30 April 2032.

_Delays the Submission of details for the working and restoration of the remaining Phases of mineral extraction (Condition 25)._  

Condition 25 of the Planning Permission states:

_The site shall be worked and restored in accordance with the principles shown on drawings accompanying the applicants letter of 3 September 2001 but in accordance with precise details of progressive working and restoration which shall have been submitted to and approved by the Mineral Planning Authority prior to the commencement of phase 4a._

It is the case that extraction has already commenced within Phase 4a and so submission of the details required by the condition is overdue. However, this Application is accompanied by a document entitled ‘Ecological Mitigation Strategy’ (refer to Annex 2), which has been prepared following liaison with the County Ecologist and the Suffolk Wildlife Trust. The Strategy recommends re-designing the currently approved restoration scheme for both the extension area as well as the plant site. The re-designed scheme for the extension area will contain a greater amount of ecological enhancement and in particular additional hedgerow in order to maximise biodiversity benefits.

Whilst the Ecological Mitigation Strategy sets out the principles of ecological enhancement, the detailed design will need to be informed by the results of protected species surveys to be undertaken prior to the resumption of mineral extraction in c2023. It is therefore premature to submit the information required by this condition and so the Application requests submission be delayed until
the results of the surveys have been obtained and prior to any further mineral extraction taking place.

Rewording of Condition controlling Premature Cessation of Mineral Working (Condition 48)

Condition 48 of the Planning Permission states:

In the event of a cessation in the winning and working of minerals in any phase prior to the achievement of the completion of the approved restoration scheme, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the Mineral Planning Authority within two months of the cessation of winning and working in the phase. The approved revised scheme shall be fully implemented within six months of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.

This Application seeks a rewording of the condition to firstly, better reflect the position on site and secondly, to provide for a continued but temporary break in production, whilst still enabling the Mineral Planning Authority to require submission and approval of a revised scheme of restoration and aftercare in the event of permanent cessation. The following represents the proposed rewording of the Condition:

Following resumption of extraction, in the event of a permanent cessation of winning and working of minerals prior to the achievement of the completion of the approved restoration scheme, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval of the Mineral Planning Authority within six months of the permanent cessation. The approved revised scheme shall be implemented within six months of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.

It should be emphasised, other than for the changes detailed above, this application does not seek to make any other alterations to either the originally permitted operations or to the Section 106 legal agreement dated 29 September 2003 which accompanied the grant of permission (refer to Appendix A).

1.6 Pre-Application Consultation

Prior to the submission of this proposal pre-application consultation has been carried out between consultants, acting on behalf of the Applicant and officers and consultants acting on behalf of the Mineral Planning Authority, as well as representatives of the Suffolk Wildlife Trust.

This consultation has comprised email correspondence between Stephen M Daw MRICS of Stephen M Daw Limited and the Minerals and Waste Planning Officer, concerning the main issues to be addressed and the structure of the Application including the documents required to accompany the Application.
The agreed document list comprises the following:

- Completed Application Form and Certificates
- Application Fee (£234.00)
- Planning Statement
- Location Plan
- Transport Appraisal
- Ecological Appraisal with Mitigation Strategy
- Noise & Dust Appraisal

The above documents are to focus on material changes since the original submission with the Planning Statement to include brief commentary on other issues not included in the list such as landscape, heritage, etc where the original submission remains unaltered.

In addition, Alex Hook of IEC Limited, has liaised with SRL Limited, acting on behalf of Suffolk County Council, to establish their requirements with regard to noise monitoring data to accompany the Application. It was agreed with SRL Limited to carry out a baseline noise survey, the results from which will be used in preparation of the Noise Appraisal.

Contact has also been made between Stephen M Daw MRICS and the County Ecologist and the Suffolk Wildlife Trust to seek comments on a draft of the Ecological Mitigation Strategy prepared by Philip Parker Associates.

Regular Quarry Liaison Meetings are held with the Layham Parish Council and this proposal was presented by the Planning Agent acting on behalf of the Applicant to all those who attended the last meeting held on 14 November 2018 (refer to Appendix B).

All of the advice and comments given during the pre-application consultation has been adopted in the preparation of this Planning Application.

2.0 SITE DESCRIPTION

2.1 Site Location and Land Use (Refer to Location Plan)

The Application site is located in the County of Suffolk, some 2.5 kilometres (1.5 miles), in a south south westerly direction, from the town of Hadleigh. The Site is accessed from the A1071 via Rands Road which has been widened in the past to allow access for HGV’s to serve the Quarry.

The Application Area extends to some 52.58 hectares (129.9 acres) and is split into two main blocks, the Plant Site to the south of Rands Road and the Extraction Area south of Pope’s Green Lane. The two blocks are linked by a haul route which crosses Pope’s Green Lane and runs through a previously worked part of the Quarry. The haul route is used to transport mineral from the
Extraction Area to the Plant Site for processing and sale. Close to the centre of the Extraction Area is the residence of Wyncoll’s Farm. Whilst the land on which the farm stands and its curtilage is not to be worked, extraction does come close to the farmhouse, and for this reason, by means of a Section 106 Legal Agreement, the property is to remain unoccupied whilst extraction is taking place in certain phases (refer to Appendix A). At the present time approximately, half of the Extraction Area has previously been worked for minerals. Other than for a small area within sub Phase 4a which remains un-restored, all previously worked land has been restored at the lower level and back to an agricultural use. The remainder of the Extraction Area is still in an arable use with some hedgerows positioned within the future extraction area as well as others on the site boundaries.

2.2 Surrounding Land Use

Surrounding land use is mainly agricultural, but with scattered residential properties, including a degree of conversion of former agricultural buildings to residential use. Most residences are positioned along either Rands Road, Pope’s Green Lane or the unnamed road to the south of the Extraction Area. The nearest villages are Lower Layham some 1.5 kilometres to the east, Polstead Heath a similar distance to the west and Polstead some 2.0 kilometres to the south west. Further afield is the A1071 to the west from which the site is served and the A1070 to the east. There are several small but significant blocks of woodland close to the Application Area, most notably the wood immediately south of the Plant Site.

2.3 Rights of Way / Services

There are no known rights of way which either cross the site or are close to the site boundary.

A pair of large overhead power lines running in a parallel west south west to east north east direction cross the Plant Site as well as part of the Haul Route. Other smaller overhead power lines cross both the materials storage area and the extraction area, the latter to be moved. In addition, a water main runs alongside the southern verge of Pope’s Green Lane.

3.0 PLANNING CONTEXT

3.1 Planning Background

Planning Permission was first issued for mineral extraction at Layham Quarry in 1959 (ref S1919C). This related to some 5.66 hectares of land off Rands Road which is now part of the Plant Site. Then in 1965 a further permission extended this area and allowed for the installation of the processing plant (ref S65/43A) with a later consent in 1969 to form a lagoon system for the processing plant (ref S69/317). In 1988 planning permission was approved to extract mineral from land either side of Pope’s Green Lane and in 1993 consent was approved to landfill that part of the extraction area north of Pope’s Green Lane (ref B93/0099) with amendments approved in 1997 (ref...
B97/0765S). Then in 1998 consent was granted to work mineral immediately east of Pope’s Green farm (ref B98/0334).

Finally, an application was submitted in December 2000 to continue to extract mineral from the area consented in 1998 but to extend the area of extraction as well as continue to use the Plant Site (ref B/01/00045). It is this Planning Permission dated 29 September 2003 which the current Application seeks to Vary.

It should be noted, much of the void formed by mineral extraction north of Pope’s Green Lane has remained unfilled. This land is in long-term management and being restored to a nature conservation afteruse, largely at the lower level.

3.2 Planning Policy

This section provides a planning policy analysis of planning policy documents relevant to consideration and determination of the Planning Application.

The following documents have been considered in this section together with those Polices contained within the documents which are relevant to the proposal.

Note: text in italics is taken from the relevant planning policy document.

National Planning Policy Framework (Adopted July 2018)

Introduction

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and the National Planning Policy Framework (NPPF) is a material consideration in planning decisions.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision taking (i.e. granting planning permission) this means:

- Approving development proposals that accord with an up-to-date development plan (in this case the Suffolk County Council Minerals Core Strategy, containing Core Policies and Development Control Policies) without delay; and
- Where there are no development policies or the most important policies are out-of-date, granting permission unless:
  i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible (Section 38).

This section of the Planning Statement therefore outlines how the proposal to allow, inter alia, a further time period for the extraction of sand and gravel extraction at Layham Quarry complies with the National Planning Policy Framework and should therefore be granted planning permission. It will show that the proposal accords with the relevant policies/sections within the NPPF and that the development should therefore not be restricted on the basis of the NPPF and also that the benefits of the development significantly outweighs any adverse impacts of doing so, when assessed against the NPPF as a whole and should therefore be considered “sustainable development”.

Chapter 2 – Achieving Sustainable Development

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Clearly once production resumes at Layham Quarry it will begin to contribute towards the local economy through the provision of aggregate for use in the local construction industry as well as providing full time employment to four site operatives as well as six to eight drivers of vehicles involved in the transportation of the aggregate. Experience gained from previous extraction and processing at this Quarry, together with reports submitted with this Application, demonstrate that the workings will not result in adverse impacts on either the natural, built or historic environment.

Chapter 6 – Building a strong, competitive economy
Section 80 of the NPPF requires planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt with significant weight placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

It is anticipated that when fully operational Layham Quarry will provide four full-time and between six to eight part-time positions. There is every reason to expect that these new positions will be filled by people drawn from the local community.

Chapter 9 – Promoting sustainable transport

All development that generates significant amounts of movement should be supported by a Transport Statement of Transport Assessment (NPPF, Section 111). This Planning Application is accompanied and informed by a Transport Appraisal (refer to Annex 1) which demonstrates:

- The A1071 / Rands Road junction capacity assessment demonstrates that the junction will operate well within capacity and will continue to do so when the future year background growth and the development proposals are considered.

- The variation to the planning conditions within this proposal, will not have any detrimental impact in terms of traffic or safety to the surrounding highway network.

Therefore, the development proposals are acceptable from a highway capacity perspective and in traffic and transport terms.

The NPPF makes it clear that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF, Section 109).

Chapter 14 – Meeting the Challenge of climate change, flooding and coastal change

NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (NPPF, Section 163). As the site is entirely located within Flood Zone 1, which represents areas considered to be at low probability of fluvial or tidal flooding, all uses of land are appropriate within this zone, including minerals extraction. In addition, the application does not seek to make any changes to the method of working, processing or sale of the mineral which would alter this conclusion.

Chapter 15 – Conserving and enhancing the natural environment

Section 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:
• **Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.** It is not considered that the proposal will have any adverse impact on the geology or geodiversity of the area, but will provide an opportunity for further geological study and research during the period of mineral extraction.

• **Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.** The landscape within which Layham Quarry is located does not have any specific designation and there will not be any significant permanent impact on the character of the area following restoration. In addition, the application does not seek to make any changes to the method of working, processing or sale of the mineral which would alter this conclusion.

• **Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.** The Application is accompanied by an Ecological Management Strategy (refer to Annex 2), which will ensure there are no adverse impacts on protected species but instead inform preparation of restoration schemes which will lead to biodiversity gains, including enhancement of ecological networks.

• **Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.** Included within the original submission and this Application are documents demonstrating any impacts from the development in terms of the issues identified will be kept at acceptable levels (refer to Annex’s 3 and 4). It should be emphasised this application does not seek to make any changes to the method of working, processing or sale of the mineral which would alter this conclusion.

*Chapter 16 – Conserving and enhancing the historic environment*

Section 184 of the NPPF describes the significance of any heritage assets likely to be affected by the development.

As the application does not propose to make any operational changes to the currently permitted proposal, there will be no change to the impact on nearby heritage assets than that assessed at the time of consideration of the original proposal.

In terms of the impact on archaeology within the site itself, again there will be no change to that anticipated at the time of the original application and to the control afforded to protect archaeology by Conditions 11 and 12 of the current Planning Permission.

*Chapter 17 – Facilitating the sustainable use of minerals*
This section shows how the proposal for continued sand and gravel extraction and processing at Layham Quarry is fully compliant with the core elements relating to minerals development within the NPPF.
Section 144 of the NPPF requires that, when determining planning applications, local planning authorities should:

- **give great weight to the benefits of the mineral extraction, including to the economy;**
  - It is anticipated that once reopened Layham Quarry will provide four full-time and between six to eight part-time positions. There is every reason to expect that these new positions will be filled by people drawn from the local community;
  - The quarry will inject a considerable amount of money into the local economy over the remaining operational timescale, both in terms of money spent on goods and services supplied and also in terms income generated by sales of mineral and which will be largely reinvested into the local economy.

- **as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, scheduled monuments and conservation areas;**
  - The site in not within, or near to, a National Park, the Broads, World Heritage site, scheduled monument or conservation area.

- **ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;**
  - The site is not predicted to have unacceptable adverse impacts on the air, soil, biodiversity, geodiversity or landscape aspects of the natural environment;
  - There are no designated heritage assets within the boundary of the development.
  - The Dust Appraisal concludes that the proposed development is considered to have a slight/negligible impact on the surrounding area and is considered to be ‘not significant’. (refer to Annex 4).
  - There are no airports close to Layham Quarry and so the development does not pose a significant collision risk to aircraft operating within the vicinity of an airport.
  - There are no other minerals extraction sites within the immediate vicinity of Layham Quarry and therefore cumulative impacts from a number of sites within the locality are not considered to be an issue at present.

- **ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;**
  - The Application is accompanied by a Noise Appraisal (refer to Annex 3). It concludes that the resultant predicted noise levels are shown to meet existing noise limits for routine operations and temporary quarrying operations.
o The Application is accompanied by a Dust Appraisal (refer to Annex 4). It concludes that, the proposed development is considered to have a slight/negligible impact on the surrounding area and is considered to be ‘not significant’;

- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
  o All restoration and aftercare will be the responsibility of the Operators, with the latter undertaken for a full five-year period following the completion of restoration within a phase or part of a phase. The proposal is for restoration and aftercare to commence at the earliest opportunity and to be carried out to the highest possible standards.

Suffolk County Council – Minerals Core Strategy (Adopted September 2008)

The following Core Strategy and Development Control Policies are relevant to this proposal:

Core Strategy Policy 1 (Apportionment of sand and gravel)

This Policy uses the regionally apportioned figure of 1.73 million tonnes pa as a basis for the allocation of sufficient sites during the Plan period until 2021. However, this figure was subsequently revised to 1.62 million tonnes and this too has now been largely replaced by average annual sales figures, as a means of calculating the landbank of permitted reserves (refer to 1.4 above and Table A).

At the time of submitting this Planning Application it would appear the landbank is above the required minimum level of 7 years using average sales figures although slightly below the required level using the revised apportionment figure. In either respect there is not a reason to refuse this application on the basis of over-supply.

Core Strategy Policy 2 (Locations of sites within Suffolk)

This Policy looks to allocate sites close to the A14 corridor or within one of a number of other smaller but Broad locations within the County illustrated on the Key Diagram MAP A. The Policy also gives a preference for extensions to existing sites.

In terms of location, Layham Quarry is one of two sites positioned within the Broad location associated with the town of Sudbury, identified as a Major Development Location on the Key Diagram. The proposal relates to the reopening of an extension to a site which is currently closed.

Core Strategy Policy 3 (Cumulative environmental impacts and phasing of mineral workings)
This Policy seeks to avoid the cumulative impact which can occur when more than one site is in close proximity to another, requiring a phasing so that one site is completed before the other commences, unless adverse impacts can be mitigated.

In the case of this proposal, there are no existing mineral sites or new allocated mineral sites in proximity although there is an allocation for an extension to Layham Quarry (Site No 4). Given this there are no cumulative impacts anticipated with this development.

**Core Strategy Policy 5 (Safeguarding mineral resources)**

This Policy seeks to safeguard mineral resources from being directly sterilised by other forms of development or from development which would prejudice the future extraction of minerals.

There are no known other forms of development which could prejudice the future extraction of minerals from Layham Quarry.

**Core Strategy Policy 8 (Transport)**

This Policy requires a Transport Assessment to accompany most planning applications and looks to avoid proposals resulting in unacceptable impacts on road safety or HGV movements.

This proposal is accompanied by an Transport Appraisal (refer to Annex 1) which gives detailed consideration to the impact which will result from HGV movements generated by the proposal, concluding the proposal will not have any detrimental impact in terms of traffic or safety to the surrounding highway network.

**Development Control Policy DC1 (Protection of landform and landscape features)**

This Policy seeks to protect the character and historic features of the Suffolk landscape through good design including advance planting.

The original proposal was accompanied by Assessments covering the issues of Landscape and Archaeology including the historic environment. The current proposal does not propose to make any changes to either the method of working or the principals of restoration detailed in the original application which could alter the conclusions reached by those Assessments.

**Development Control Policy DC2 (Protection of Internationally and Nationally Designated Sites of Ecological and Geological Interest)**

This Policy seeks to prevent harm to either protected ecological or geological / geomorphological sites or protected ecological habitats or species.
This proposal is accompanied by an Ecological Mitigation Strategy which gives assurances as to the ecological surveys which will be carried out prior to the resumption of mineral extraction. The Strategy also sets out the principles of restoration to be adopted for both the plant site and extraction area and how the results of the surveys will be used to inform the final design of the restoration schemes for both parts of the Quarry. There are no known Designated Sites of geological interest which may be affected by the proposal.

**Development Control Policy DC3 (Archaeology)**

Given the application does not propose any operational changes, there will be no change to the impact on archaeology to that assessed at the time of the original application, or to the control afforded to protect archaeology by Conditions 11 and 12 of the current Planning Permission.

**Development Control Policy DC5 (Public Rights of Way)**

This Policy looks to avoid disruption to public rights of way and to put into place agreed temporary or permanent diversions.

There are no Public Rights of Way which will be affected by this proposal.

**Development Control Policy DC6 (Mud and debris on public highways)**

This Policy requires proposals to detail measures to be taken to prevent mud, debris and the spillage of aggregates onto the public highway.

This proposal is accompanied by a Transport Appraisal which gives details of the timescales, method and frequency of movement of mineral from the site. Mud and debris on the public highway is controlled by use of hard surfacing both at the site entrance onto Rands Road and the crossing point on Pope’s Green Lane.

**Development Control Policy DC7 (Reclamation, restoration and after-use)**

This Policy requires restoration to be carried out in accord with an agreed aftercare strategy to an appropriate after-use with preference given to the creation of priority habitats.

This proposal retains the original scheme of restoration back to arable agriculture with enhanced landscape planting in accord with an aftercare scheme required by Condition and to be agreed with the MPA.

**Development Control Policy DC8 (Progressive Working & Restoration)**
This Policy requires new mineral workings to be accompanied by a scheme of progressive working and restoration throughout the life of the site.

This proposal does not seek to make any changes to the progressive phased working and restoration of the site which accompanied the original Planning Application.

Babergh District Council Local Plan Core Strategy & Policies (Adopted February 2014)

The following Core Strategy and Development Control Policies are relevant to this proposal:

Policy CS1: Applying the Presumption in favour of Sustainable Development in Babergh

This Policy indicates where there are no relevant policies or relevant policies are out of date, permission will be granted unless material considerations indicate otherwise, i.e. whether adverse impacts would outweigh the benefits, when assessed against the National Planning Policy Framework, or specific policies in that Framework indicate that development should be restricted.

In this instance, no such material considerations exist which prevent the granting of planning permission.

There are no specific policies related to the extraction or processing of minerals within the Babergh District Council Local Plan.

4.0 SUMMARY AND CONCLUSION

4.1 Application Summary

The original Planning Permission was granted by Suffolk County Council on 23 September 2003, and was subject to a Section 106 Agreement of the same date. This current proposal seeks by means of Variation of Conditions to, inter alia, extend the timescale for the working and restoration of Layham Quarry until 30 April 2032 and 31 October 2033, respectively. The Application also seeks to amend the wording of Conditions controlling the working and restoration of the area south of Pope’s Green Lane and also in the event of the premature cessation of mineral working at the Quarry.

In terms of timescales, no extraction has taken place at the Quarry for several years due in part to the general recession in the construction industry since 2007 and in part to the Applicant concentrating production at quarries which have remained in operation throughout. The Application sets out a clear timeframe within which production will resume with revised dates for the completion of extraction and final restoration.
The Planning Application is accompanied by a number of documents which give consideration to specific issues arising from the changes sought in the Application. The scope of documents submitted has been agreed in pre-application discussion with the Mineral Planning Authority.

The Application is accompanied by a Transport Appraisal (refer to Annex 1) which gives a traffic overview and then looks at existing and future traffic flows with an assessment of impacts by the development, particularly at the junction of Rands Road with the A1071. The Appraisal concludes that the variation to the planning conditions, will not have any detrimental impact in terms of traffic or safety to the surrounding highway network.

The Application is also accompanied by an Ecological Mitigation Strategy (refer to Annex 2) which gives assurances regarding the need for surveying of protected species prior to the resumption of extraction. The Strategy then makes recommendations in terms of future extraction of both the plant site and extraction area, proposing schemes which will lead to future ecological enhancements and biodiversity gains.

Accompanying the Application is a Noise Appraisal (refer to Annex 3) which considers environmental noise from routine and temporary operations by calculating the likely range of noise levels generated from site operations with all main plant items operating under realistic site working methods. The results of the noise prediction calculations show noise from the use of quarry plant would not exceed the existing noise limits for routine operations and that for temporary noise events, such as soil stripping, bund formation and site restoration, levels would not exceed the short-term maximum levels of 70 dB $L_{A_{eq,1hour}}$ for 8 weeks per year.

The impact due to road traffic accessing the site from Rands Roads has also been considered. Road traffic movements would have a minor impact. In conclusion the Noise Appraisal confirms predicted noise levels are shown to meet existing noise limits for routine operations and temporary quarrying operations.

Also accompanying the Application is a Dust Appraisal (refer to Annex 4) which has considered the potential impact of the development using IAQM guidance. The assessment considers site activities, proposed mitigation measures, receptor location, receptor sensitivity and prevailing meteorological conditions concluding there is unlikely to be any significant decrease in local air quality due to the development. The Appraisal goes on to state that any dust occurrence event will be minimised by implementation of the dust control recommendations outlined in the Dust Management Plan. It confirms that PM$_{10}$ levels from the site are projected to be in concentrations below the relevant screening criteria of 17µg/m$^3$ and therefore, there is little risk that emissions from the site would lead to an exceedance of the annual mean AQO. The Appraisal finally concludes that the proposed development is considered to have a slight/negligible impact on the surrounding area and is considered to be ‘not significant’.
A comprehensive Planning Statement is submitted which considers all remaining issues, including making a need case for the development, detailing the main changes and giving a policy context as well as addressing all remaining issues not covered in the accompanying reports.

4.2 Conclusions

In conclusion, on behalf of the Applicant I would request planning permission is approved for this development for the following reasons:

- Notwithstanding that previous extraction and processing has taken place without significant impact, this proposal is accompanied by further information to ensure this continues to be the case upon resumption of operations;

- The Application sets out a clear timescale for future operations leading to the completion of extraction and restoration;

- Accompanying reports dealing with the issues of transport, noise and dust all demonstrate that the operations can continue to take place without significant impact on the road network and the amenities of local residents.

- A clear strategy of surveys for protected species will be implemented prior to the resumption of operations and the results help inform the preparation of restoration schemes designed to bring about ecological enhancements and an overall increase in biodiversity.

- The proposals enable the Mineral Planning Authority to retain control over the restoration of the quarry, in the event there is a permanent cessation of winning and working of minerals prior to reserves being exhausted.

- A need for the remaining mineral exists and the reserve is being relied upon by the Mineral Planning Authority when calculating the landbank of permitted reserves for Suffolk.
Appendix 2

to Further representations from Steven Blakeley regarding the inclusion of the proposed extension of Layham Quarry in the Suffolk Minerals Local Plan
Representations to Suffolk County Council

Reference: SCC/0018/19B/VOC

Set out below are my representations in relation to the planning application for development at Layham Quarry involving the variation of Conditions 3 (Cessation), 25 (Details of Working and Restoration) and 48 (Cessation of Mineral Working) of Permission B/01/00045.

1. Temporary development – legislation

Mineral workings are a temporary development. The relevant legislation seeks to ensure that operators do not abuse this “temporary” status by seeking to prolong the lifetime of an unused mineral working. In order to protect the environment, checks and balances have been put in place to ensure that mineral workings are not left unused for prolonged periods of time and that sites which are unused are enforceably restored. These checks and balances have seemingly been ignored for Layham Quarry as no extraction has taken place for several years.

The relevant legislation is Schedule 14 of the Environment Act 1995, amended by Section 10 and Schedule 3 of the Growth and Infrastructure Act 2013 (relating to the periodic review of mineral planning permissions) and Schedule 9 of the Town & Country Planning Act 1990 (relating to the discontinuance of mineral workings).

2. Planning Policy

Planning policy also seeks to ensure that mineral workings are not left unused. The National Planning Policy Framework states that planning authorities should provide restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions. To ensure that the site would not be unused, thus causing harm to the environment and the local amenity, Condition 3 of Planning Permission B/01/00045 states that when excavation ceases, the site shall be restored within 18 months of cessation. It has now been a number of years since the site has ceased working and according to the Planning Statement will be 5 more years before it is likely to operate again. The Town & Country Planning Act states that the Mineral Planning Authority may assume the mineral working has ceased when no working has occurred to any substantial extent at the site for a period of at least 2 years.

The checks and balances written into the relevant legislation and national policy should be honoured in order to prevent undue excessive harm to the environment.

3. Similar behaviour by the Applicant elsewhere

The Applicant has other sites in East Anglia which are unused where they have been seeking to extend the end date of their planning permissions. For example, at Pannington Quarry, the site was first granted permission in 2007 to allow for the extraction of sand and gravel followed by restoration to agriculture at the lower level (B/05/0713/CMA). In 2010, another application was submitted to vary the original consent as it had not been implemented and was granted by Suffolk County Council (B/09/00803). A further application (B/17/00013) was submitted to Suffolk County Council to vary the conditions attached to B/09/00803 to allow for an extension to the
permitted time scales for working and restoration. The supporting statement to this application states that in 2017, only a relatively small amount of mineral had been worked even though the site gained permission for extraction in 2005.

It is contrary to planning legislation and national policy to pursue a strategy of consistently extending the timescales of planning permissions attaching to unused mineral workings. In any event, there is no certainty that extraction at Layham Quarry will resume in 2023 or that we will not be here again in 2032 considering a planning application for a further extension.

4. **Breach of Condition 25**

The Applicant has been in breach of Condition 25 for many years. They commenced work within phase 4(a) several years ago but were not permitted to work within this phase until a scheme of progressive working and restoration had been submitted to and approved by the Planning Authority. This has still not happened.

5. **Breach of Condition 48**

The Applicant has been in breach of Condition 48 for many years. This Condition applies when extraction and working on minerals has ceased within the site. The site has not been worked for many years. When this occurred, the Applicant should have submitted a revised restoration scheme to the Mineral Planning Authority within 2 months of cessation. The restoration scheme should have been fully implemented within 6 months of the Authority’s written approval. A scheme to restore the site should have been prepared and implemented and the site closed several years ago. I have been told that this condition is very unusual. It was therefore clearly included in the planning permission for a specific reason after thoughtful consideration and discussion and accordingly should have been fully complied with when it was triggered.

6. **Layham Quarry is not needed for the landbank**

The reserve at Layham is not needed for Suffolk County Council to maintain the required landbank. Without the potential reserve of 900,000 tonnes of sand and gravel, the landbank in Suffolk on 31st December 2017 would still equal a landbank of 9.8 years (assessed on an average annual sales basis) which is in excess of the 7 year supply advised by central government. The Planning Statement does not include the figures for the provision of sand and gravel made in the new upcoming Suffolk Minerals and Waste Local Plan. There is provision for an additional 14.77 Mt of sand and gravel in the Plan. Even without the current extraction area and the proposed additional extraction area of Layham Quarry, there are more than sufficient reserves to provide the required landbank.

7. **Layham Quarry is unlikely to be used**

Given the comparatively low quality of the minerals at Layham and its remoteness from the market, resulting in the cost of extraction and transport rendering the minerals uneconomic, the site is very unlikely to be used by the Applicant except as a last resort, making it more likely that further extensions of the time limits attaching to the planning permission will be sought in the future.
8. **Dedham Vale Area of Outstanding Natural Beauty**

Section 144 of the National Planning Policy Framework requires that when determining planning applications, local planning authorities should, inter alia, as far as is practicable, provide for the maintenance of landbanks of non-energy minerals from outside Areas of Outstanding Natural Beauty. The Planning Statement makes no mention of the fact that the Layham Quarry site is adjacent to the Dedham Vale AONB and consequently makes no attempt to explain why the quarry should be allowed to recommence operations despite this fact.

9. **Summary**

(a) The checks and balances in planning legislation and national policy to ensure that mineral workings are a temporary development have been ignored for Layham Quarry.

(b) The Applicant has demonstrated a similar pattern of behaviour elsewhere in the area, e.g. Pannington.

(c) The Applicant has been in breach of Conditions 25 and 48 for many years. A scheme to restore the site should have been prepared and implemented and the site closed several years ago.

(d) The reserve at Layham Quarry is not needed for Suffolk County Council to maintain the required landbank.

(e) Layham Quarry is very unlikely to be used by the Applicant in view of the low quality of the minerals and the remoteness from the market.

(f) The Applicant has not explained why a quarry adjacent to the Dedham Vale AONB should be permitted to recommence operations.

10. **Third Party challenge**

There are a multitude of reasons why this planning application should be refused as set out above. If, notwithstanding these representations, you decide to grant this application, I reserve all my rights to make a third party challenge in relation to that decision.

11. **Questions for Suffolk County Council**

I also have 3 questions for Suffolk County Council in relation to the issues affecting Layham Quarry set out above.

(a) Why has no review of the mineral permissions ever been undertaken (as permitted by the Environment Act 1995, amended by the Growth and Infrastructure Act 2013)?

(b) Why has no enforcement action ever been undertaken when the site has been in continuing breach of its conditions for several years?
(c) Specifically, why was enforcement action to make the Applicant restore the site not taken when they stopped mineral extraction several years ago?