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For more information about our minerals and waste planning policy go to: https://www.suffolk.gov.uk/planning-waste-and-environment/planning-applications/minerals-and-waste-policy/

Cover photograph acknowledgements:

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1. **Format**

1.1 This document sets out the representations made by the AONB Partnership of the Suffolk Coast & Heaths and Dedham Vale AONBs to the Submission Draft Suffolk Minerals & Waste Local Plan. A response is made to each representation by Suffolk County Council. Proposed changes are made in bold type. The final column sets out the AONB Partnerships current position including any common ground.

Graham Gunby
Development Manager
Suffolk County Council

Beverley McClean
AONB Planning Officer
Dedham Vale AONB and Stour Valley Project
### 2. Vision, Aims and Objectives

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<tr>
<th>Reference Number</th>
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<th>Representation</th>
<th>SCC Response</th>
<th>AONB Response</th>
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<tbody>
<tr>
<td>90559825</td>
<td>Beverley McClean (received via email), AONB Planning Officer, AONB Team</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Thank you for the opportunity to comment on the Submission SMWLP. This response is on behalf of the AONB Partnerships of the Suffolk Coast &amp; Heaths and Dedham Vale AONBs. The Partnerships were formed in 1993. They comprise public, private and voluntary organisations who are committed to conserving and enhancing the Natural Beauty of the AONBs. The Partnership's role is to oversee delivery of the AONB Management Plans. It meets at least twice a year to discuss significant issues in the AONB, and delivery of the Plan. Each AONB Partnership is made up local authorities and representatives of the environmental, farming, landowning, business organisations. Details of the membership can be found on the AONBs websites: from the following organisations: <a href="http://www.suffolkcoastandheaths.org/projects-and-partnerships/the-aonb-partnership/">http://www.suffolkcoastandheaths.org/projects-and-partnerships/the-aonb-partnership/</a> <a href="http://www.dedhamvalestourvalley.org/about-us/jac-and-partnership/">http://www.dedhamvalestourvalley.org/about-us/jac-and-partnership/</a> For the avoidance of any doubt please note: Many of these partners are public bodies or statutory undertakers which have the duties to conserve and enhance the Natural Beauty of the AONB as set out in section 85 of the Countryside and Rights of Way Act (2000). They are likely to make individual representations to SMWLP consultation that reflects their individual interests and</td>
<td>SCC considers that specific mention of the AONB and Broads in the vision, aims and objectives is not necessary. They are intended to reflect the matters that are to be taken into account as set out in the NPPF and the NPPW and are intended to be broad brush in their approach so that additional detail added to emphasize particular aspects to be considered would unbalance the over Vision, Aims and Objectives. As a compromise reference to “landscape character” could be added to the Vision and Objective 5. Reference to landscape character is already referred to under Objective 7.</td>
<td>Unresolved issue</td>
</tr>
</tbody>
</table>

The AONB team does not support the limited change proposed by SCC in the SCC Suffolk Minerals and Waste Local Plan (Submission) Vision and Objective 5. The proposal to include a reference to landscape character in the vision is welcomed but further change to the vision, aims and objectives is considered necessary. The lack of reference to Nationally Designated Landscapes in this section is a significant oversight as the context in which waste and mineral operators may be operating is not highlighted. The proposed mineral allocation at Wangford is located wholly within the Suffolk Coast & Heaths Area of Outstanding Natural Beauty. The proposed allocations at Layham and Tattingstone are both located within the setting to the Dedham Vale AONB and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.
responsibilities. Furthermore, whilst AONB Partnerships are not a statutory consultee, those partners with the statutory responsibility for the AONB will make a response as appropriate.

This is a response from the AONB Partnerships. In that regard, the response has sought to address issues in a level of detail that all Partners can support. However, given that the membership of the Partnerships includes members of local authorities and statutory agencies, many partners may make their own responses, as bodies that have statutory duties to the AONB. Many partners are custodians of Natural Beauty indicators and the special qualities of the AONBs, therefore the AONB Partnerships’ response should be considered complementary to those responses, rather than the only response addressing AONB issues.

The AONB Partnerships Response:

**Summary**

The AONB Partnerships object to the inclusion of the site at Wangford for mineral extraction because:

- The SMWLP is not considered compliant with the National policy context with regards conserving and enhancing AONBs, European sites and heritage assets.
- The exceptional, national need case required to contemplate justification for over-riding the National policy has not been made.
- Insufficient assessments have been undertaken to relation to the likely impacts of the proposal on the Protected Landscape or Protected Sites within proximity such that it is not possible at this stage to rule out likely adverse impacts.
- The Habitats Regulations Assessment completed does not satisfy the requirements of the Conservation of Habitats and Species Regulations 2017.

**National Policy and Guidance**

respectively therefore referencing this in the Vision aims and objectives at the start of the document is important.

As drafted the vision only requires ‘minerals and waste management sites to be operated to a high standard so that they do not cause a significant harm to the environment, historic environment or local amenity or endanger human health’. This approach fails to recognise the need to avoid causing significant harm to nationally designated landscapes like the Dedham Vale and the Suffolk Coast & Heaths Areas of Outstanding Natural Beauty and the Broads National Park, all of which could potentially be impacted if sites are approved for allocation within these areas.

The AONB team consider that the lack of reference in the vision to Nationally Designated Landscapes such as AONBs which are also Valued Landscapes, does not comply with paragraphs 109 or 115 of the 2012 NPPF.

It demonstrates a lack of compliance under Section 85 of the Countryside and Rights of Way Act 2000.
Areas of Outstanding Natural Beauty (AONBs) are designated by the Government to ensure that the special qualities of the finest landscapes in England, Wales and Northern Ireland are conserved and enhanced. The primary purpose of AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the Countryside and Rights of Way Act 2000 (CRoW Act).

The Government has confirmed that the landscape qualities of AONBs and National Parks have equal status in terms of protection, and the protection given by the land use planning system to natural beauty in both types of area should also be equal. The AONB designation is also of international importance, recognised as a Category V Protected Landscape by the International Union for the Conservation of Nature (IUCN) and AONBs are defined within the Environmental Impact Assessments Regulations for specific consideration as a "sensitive area".

Within Section 85 (1) of the CRoW Act 2000 there is a duty on all relevant authorities to have regard to this purpose in exercising or performing any functions in relation to, or so as to affect land in AONBs. This Duty of Regard requires all public bodies, down to parish council level, to consider the AONBs nationally protected status in any land use related decisions. This includes planning applications and the formulation of Local and Neighbourhood Plans.

Guidance on the implication of this duty and how it may be discharged was issued by Defra in 2005. This includes the statement "Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be

The AONB team disagrees that the inclusion of reference to the Nationally Designated Landscapes in this case the Suffolk Coast & Heaths, and Dedham Vale AONBs, Broads National Park would add imbalance into the vision, aims and objectives.

We consider that the Vision, aims and objectives 5 & 7 could be made legally compliant with the following minor modifications.

Vision
Minerals and waste management sites will only be permitted in appropriate locations and will be required to be operated to high standards, so that they do not cause a significantly adverse impact upon the environment, the Suffolk Coast & Heaths and Dedham Vale Areas of Outstanding Natural Beauty (AONBs), or their settings, the Norfolk Broads, the historic environment, local amenity or endanger human health.

SMWLP Aims and Objectives
Aim 2: Objective 5: including environmental protection policies for the consideration of minerals proposals that make reference to the impact upon nature conservation, the historic environment, the Dedham Vale and Suffolk Coast & Heaths AONBs, including their settings, the Broads National...
expected to have regard to the purposes of these areas”. The Guidance includes a list of relevant authorities, although this is not definitive.

Sections 88 and 89 of the Act state that each Local Authority or Conservation Board shall prepare and publish a Management Plan for their AONB which should then be reviewed at intervals of no more than 5 years. Management Plans are adopted statutory policy of the Local Authority AONB and have been recognised as a ‘material consideration’ in the planning decision making process. Suffolk County Council are a signatory to both the Dedham Vale and Suffolk Coast & Heaths AONB Management Plans.

The Suffolk Coast & Heaths AONB Management Plan (2013-18)

Attention is drawn to the following AONB Management Plan Objectives:

- Objective 2.7 There is a consistently high standard of development control decision-making. This will prevent adverse impact on the landscape and natural beauty of the AONB, as set out in the NPPF.
- Objective 2.8 The special qualities of the AONB are consistently taken into account and enhanced by the planning process.

AONBs feature high up in the hierarchy of protection, seeking to prevent inappropriate exploitation (e.g. minerals, development etc) while maintaining high quality renewable resources (e.g. water resource protection or food production).

Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads. (Defra, 2005)

The Dedham Vale AONB and Stour Valley Management Plan (2016-2021)

Attention is drawn to the following Management Plan policies:

- Park, or human health from noise, dust, visual intrusion, traffic, tip and quarry slope stability, differential settlement of quarry backfill, flood risk, water resources, contamination and cumulative impacts.

Aim 2 Objective 7: including environmental protection policies for the consideration of waste proposals that make reference to the impact upon water quality, flood risk, land instability.

Dedham Vale and Suffolk Coast & Heaths AONBs, including their setting, the Broads National Park, visual impact, nature conservation, historic environment, traffic and access, dust, air quality, odour, vermin and birds, noise, light vibration, litter and land-use conflict and cumulative impacts.

The minor modifications are considered necessary to ensure that the emerging Suffolk County Council Waste & Minerals Local Plan (SCC M &W LP) proposals are effective in conserving and enhancing the above nationally designated landscapes, to ensure compliance with paras 14 and 115 of the NPPF and to ensure consistency in approach.
• Lobby for national and local planning policies to reflect the significance of the natural beauty and special qualities of the AONB and Stour Valley.
• Support development that contributes to appropriate economic development and contributes to the conservation and enhancement of the AONB and Stour Valley.
• Protect the area, including its setting from developments that detract from its natural beauty and special qualities, including relative tranquillity.
• Maintain the local distinctiveness of the Dedham Vale and Stour Valley. • Ensure Local Plans reflect the need to conserve and enhance the AONB and Stour Valley.
• Support development that contributes to the conservation and enhancement of local character AONB Partnerships response Submission SMWLP

The National Planning Policy Framework (NPPF) identifies the three dimensions of sustainable development, as being economic, social and environmental. Paragraph 14 of the NPPF promotes “a presumption in favour of sustainable development” but then highlights the position for plan makers and for decision makers areas where this policy may be restricted. Footnote 9 in the NPPF specifically identifies AONBs as such areas where restrictions may apply to the above presumption. The SMWLP fails to address Footnote 9 in its interpretation of para. 14.

Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment by: recognising the wider benefits of ecosystem services and minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that
are more resilient to current and future pressures;
Paragraph 113 of the NPPF states that local planning authorities should set criteria-based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Clarity on the County Council’s position in relation to the allocation of Minerals and Waste sites within the AONBs or their setting would be improved with the inclusion of a specific policy relating to the matter.
Paragraph 115 of the National Planning Policy Framework (NPPF) provides specific planning guidance for plan makers and decision takers in relation to AONBs and confirms that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Para. 115 NPPF states that: Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty”.
Paragraph 116 of the NPPF states that “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of:
• The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
• The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
• Any detrimental effect on the environment, the landscape and recreational opportunities,
and the extent to which that can be moderated."
Paragraph 129 requires local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available AONB Partnerships response Submission SMWLP Page 5 evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
Paragraph 143 (bullet point 7 states that local plans should set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.
Paragraph 144 NPPF (bullet points 2 & 3) states:
As far as 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 Ancient Monuments and Conservation Areas.
Ensure in granting planning permission for mineral extraction, 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 sites and/or from a number of sites in a locality.

**SMWLP Vision**

The Vision in the Submission SMWLP as drafted does not recognise the potential for mineral and waste allocations to result in significant adverse impacts upon the Suffolk Coast & Heaths and the Dedham Vale Areas of Outstanding Natural Beauty (AONBs) or their setting, the Norfolk Broads or landscape character.

The 2nd paragraph of the vision should be amended to ensure that these issues are properly recognised and to ensure that the plan is compliant with paragraph 115 of the NPPF.

**Requested change**: Minerals and waste management sites will only be permitted in appropriate locations and will be required to be operated to high standards, so that they do not cause a significantly adverse impact upon the environment, the Suffolk Coast & Heaths and Dedham Vale Areas of Outstanding Natural Beauty (AONBs), or their settings, the Norfolk Broads, landscape character, the historic environment, local amenity or endanger human health.

**SMWLP Aims and Objectives**

12.0 The Partnerships consider that the following modifications are needed to objectives 3, 5 & 7 to ensure that all the nationally designated landscapes within the SMWLP area i.e. the Dedham Vale AONB, the Suffolk Coast & Heaths AONB or their settings and the Broads National Park, are recognised and properly considered as part of the SWMLP process.
sand & gravel and sites for waste management on the Proposals Map”. A Sustainability Appraisal, a high-level Habitats Regulations Scoping Assessment and an Outline Landscape and Visual Impact Assessment (LVIA) for the Wangford site (MS7), have been submitted as part of the evidence base. We have several concerns about the completeness of the assessments submitted to support the allocation of sites within the AONBs or within their settings. We question whether the HRA and Outline LVIA are sufficiently robust to have enabled the most environmentally acceptable sources of sand and gravel to have been proposed for allocation in the submission document. The HRA and LVIA are discussed in more detail later in this response.

Aim 2: Objective 5 To minimise and mitigate the impact of minerals and waste development on the environment.

In response to the Preferred Options consultation on the SMWLP, we requested the inclusion of a reference to landscape character, natural beauty and special qualities in the environmental protection policies. Objective 5 has not been modified to include these changes.

The Partnerships consider that the following modifications are proposed to objective 5 & 7.

Objective 5: including environmental protection policies for the consideration of minerals proposals that make reference to the impact upon nature conservation, the historic environment, the Dedham Vale and Suffolk Coast & Heaths AONBs, including their settings, the Broads National Park, landscape character or human health from noise, dust, visual intrusion, traffic, tip and quarry slope stability, differential settlement of quarry backfill, flood risk, water resources, contamination and cumulative impacts.
We consider that Objective 7 also needs to be modified to include the same information for consistency. Objective 7: including environmental protection policies for the consideration of waste proposals that make reference to the impact upon water quality, flood risk, land instability, Dedham Vale and Suffolk Coast & Heaths AONBs, including their setting, the Broads National Park, landscape character, visual impact, nature conservation, historic environment, traffic and access, dust, air quality, odour, vermin and birds, noise, light vibration, litter and land-use conflict and cumulative impacts. The modifications are considered necessary to ensure that the emerging SWMLP proposals are effective in conserving and enhancing the above nationally designated landscapes and to ensure compliance with paras 14 and 115 of the NPPF.

3. **GENERAL POLICIES**

**Policy GP1 Presumption in Favour of Sustainable Development**

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<tr>
<td>90559825</td>
<td>Beverley McClean (received via email), AONB Planning</td>
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<td>GP1 – Presumption in favour of Sustainable Development The NPPF identifies the three dimensions of sustainable development, as being economic, social and environmental. Paragraph 14 of the NPPF promotes “a presumption in favour of sustainable development within an AONB is resolved issue compliance with NPPF” Policy GP1 notes that there are exceptions to the presumption in favour of sustainable development (as outlined in the NPPF footnote 9) in part “b” of the policy. It is accepted that development within an AONB is demonstrated the principles of</td>
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development” but then highlights the position for plan makers and for decision makers areas where this policy may be restricted. Footnote 9 in the NPPF specifically identifies AONBs as such areas where restrictions may apply to the above presumption. Paragraph 119 of the NPPF is clear however that the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

By proposing the allocation of the sites at Layham, Tattingstone and Wangford, which are located wholly within or within the setting of the Suffolk Coasts & Heaths and the Dedham Vale AONBs, the Submission SMWLP fails to address Footnote 9 in its interpretation of para. 14. We consider this to be a serious omission. We consider that the proposed allocations at Layham, Tattingstone and Wangford also conflict with the objectives of paragraph 143 and 144 of the NPPF. The proposed allocation of these sites has not been adequately justified and we do not consider that all potential significant adverse impacts have been adequately assessed to date.

It is not clear how paragraph 115 of the NPPF which requires great weight to be given to conserving landscape and scenic beauty in National Parks and AONBs has been satisfied by proposing mineral sites in the AONB or within the setting of the AONBs in Suffolk and north Essex. Nor it is clear how the planning objectives in the Management Plans for the Suffolk Coast & Heaths and Dedham Vale AONBs have been considered, nor the Duty of Regard met, as required by the CROW Act. This restricted by footnote 9, but it is not completely exempt from major development, provided the criteria of paragraph 116 are met, which SCC considers they have been. SCC aims to meet the requirements of paragraph 109 of the NPPF by including policy GP4, which addresses all of the issues raised in this paragraph. The explanatory text of the plan also details the specific environmental issues that may arise at each site and the plan encourages net biodiversity gain in policy MP6 and requires site aftercare in policy MP7. With regards to paragraph 115 of the NPPF, weight has been given to the conserving the landscape of the AONB during the site selection process, where sites such as Henham were specifically excluded due to their potential impacts to AONBs. Other sites not in the AONB were considered but found to be unsuitable and the full details can be found in the Site Selection Reports. SCC also considered other sources of aggregate such as recycled aggregate and marine aggregate as part of Suffolk’s aggregate supply. Supplies of aggregate from recycling are difficult to predict as they are tied to construction, demolition and excavation activities. While approximately 8 million tonnes of aggregate are licenced off the coast of East Anglia, relatively sustainable development. Most of the sites proposed for allocation fall outside the nationally designated landscapes in the County which is welcome. Overall SCC has demonstrated compliance with para 115 of the NPPF with regards the selection of some sites within nationally designated landscapes in Suffolk e.g. Henham however we have raised this as an issue with regards specific policies where we consider that The proposed approach set out in policy MP6 demonstrates compliance with 109 of the NPPF.

We acknowledge that SCC have met their obligation under Duty of Regard (CRoW)

**Unresolved issue Compliance with NPPF**

We have raised compliance issues with regards Para 115, Duty of Regard and para 116 in relation to specific policies e.g. Vision, MS7 where we do not support the policy approach proposed.

A difference of opinion remains between SCC and the AONB team about the suitability of allocating a mineral site extension at Wangford which is located within the Suffolk Coast & Heaths AONB. As explained in our response to 90559825, we do not consider that the requirements of para 116
needs to be much more clearly justified and evidenced. Without greater justification and further detailed assessment we therefore consider the proposed allocation of the mineral sites at Layham, Tattingstone and Wangford to be premature and non-compliant with paragraphs 14 (footnote 9), 109, 115, 143 and 144 of the NPPF, the AONB Management Plans and Section 85 of the Crow Act.

small tonnages are landed in Suffolk, with most of the material being landed in London, so this cannot be relied upon to supply Suffolk's needs, as the market determines where this material is landed. For these reasons SCC needed to consider sources of aggregate within the AONB. SCC accepts that there is a Duty of Regard placed on it by the Crow Act., however the explanatory notes to the CROW Act. states that "The requirement to have regard to conserving and enhancing natural beauty will not override particular considerations which have to be taken into account by relevant authorities in carrying out any function." This includes its function as the minerals planning authority.

have been met to justify the allocation of this site. We consider that policy GP4 is too generic and requires modifications to make the policy robust and effective with regards the protection of the environment.

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<td>90559825</td>
<td>Beverley McClean (received via email), AONB</td>
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<td>Policy GP3: Spatial strategy</td>
<td>Detailed consideration is a matter for the planning application stage. A Local Plan is concerned with</td>
<td>Resolved issue HRA</td>
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where individual sites are well related to the Suffolk Lorry Route Network (or rail network or navigation), major centres of population and do not have potentially significant adverse impacts upon features of environmental importance (natural or man-made) or endanger human health. As already stated, we consider that it is premature to propose the allocation of new extensions to mineral sites within the AONBS or within the setting of the AONBs until all environmental impacts have been fully assessed. The current approach pushes the requirements for full environmental assessments i.e. detailed Landscape and Visual Impact Assessment, Habitats Regulations Assessment, ecological and archaeological assessment to the planning application stage which is considered too late in the process. With regards HRA specifically, the current methodology followed, and in light of the recent decision by the Court of Justice of the European Union (“CJEU”) People Over Wind and Sweetman v Coillte Teoranta (C-323/17), SCC have done an appropriate assessment and has undertaken a focussed consultation. The comments regarding the changes made to the Key Diagram are noted. The Partnerships acknowledge that the Key Diagram has now been amended to reflect the full extent of areas of constraints within the area covered by the SMWLP which is welcomed.
### POLICY GP4: GENERAL ENVIRONMENTAL CRITERIA

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<td>Beverley McClean (received via email), AONB Planning Officer, AONB Team</td>
<td>-</td>
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<td>-</td>
<td>Policy GP4: General environmental criteria</td>
<td>Agree, typographical error will be corrected.</td>
<td>Unresolved issue</td>
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<td>Proposed modifications to GP4</td>
<td>In respect of the other proposed amendments:</td>
<td>The AONB team disagree that the minor wording changes requested to policy GP4 are inappropriate, unbalanced and unnecessary. As drafted Policy GP4 is the first reference to Protected Landscapes in the document.</td>
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<td>The Partnerships consider that the following modifications shown in bold are needed to policy GP4:</td>
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<td>Policy GP4 in the Suffolk Minerals and Waste Local Plan is the primary policy that sets out the environmental criteria that planning applications will be required to satisfy.</td>
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<td>Minerals and waste development will be acceptable so long as the proposals, adequately access assess and address the potentially significant adverse impacts upon:</td>
<td></td>
<td>The AONB team consider that the policy is too generic and needs to be strengthened. The following minor modifications are needed to criterion (b) – (g):</td>
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<td>b) vehicle movements, access and the wider highways network and impacts on the rural road network in particular for non-motorised road users.</td>
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d) biodiversity **within statutory protected sites and non-designated sites**

e) geodiversity **within statutory protected sites and non-designated sites**

f) historic environment and heritage assets **including cultural heritage assets**

g) public rights of way and user’s enjoyment of the network

These modifications which were previously proposed in response to the Preferred Options consultation, are considered necessary to ensure that the natural beauty and the special qualities of the AONB are fully recognised within the SMWLP and to ensure compliance with paragraphs 115, 143 and 144 of the NPPF and the respective Management Plans for the Suffolk Coast & Heaths and the Dedham Vale AONBs.

This policy change is considered necessary to ensure that impacts on all road users are considered when mineral and waste planning applications are submitted.

c) landscape character, visual impact, and **nationally designated landscapes including significant impacts upon the Natural Beauty and Special Qualities of the Suffolk Coast & Heaths and Dedham Vale AONBs, their setting and the Broads National Park.**

The change to criteria (c) is considered necessary to make it explicit which nationally designated landscapes need to be considered when planning mineral and waste operations are being proposed. We are also seeking a change from the term protected landscape to nationally designated landscape for consistency with the NPPF.

d) biodiversity **within statutory protected sites and non-designated sites.** Policy GP4 makes no reference to the hierarchy of designated and non-designated ecological sites that support the County’s rich biodiversity. The change to criteria (d) is considered necessary to make it explicit that the impact on biodiversity on all sites needs to be considered when mineral and waste applications are being proposed.
<table>
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<th>Criteria (e)</th>
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<td>e) geodiversity within statutory protected sites and non-designated sites. Policy GP4 does not differentiate between designated and non-designated geo diversity sites. The change to criteria (e) is considered necessary to make it explicit that the impact on geodiversity on all sites needs to be considered when mineral and waste applications are being proposed.</td>
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<td>f) historic environment, and heritage assets including cultural heritage assets. Policy GP4 makes no reference to cultural heritage. The change to criteria (f) is considered necessary to make it explicit that the impact on cultural heritage needs to be considered when mineral and waste applications are being proposed.</td>
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<th>Criteria (g)</th>
<th>Description</th>
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<tbody>
<tr>
<td>g) public rights of way and user's enjoyment of the network – This change is considered necessary to ensure that impacts on public rights of way including user's enjoyment of the network are also considered when mineral and waste planning applications are being proposed.</td>
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</tbody>
</table>
### 4. SITE SPECIFIC POLICIES

**Policy MS5; Layham**

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Respondent</th>
<th>SCC Response</th>
<th>AONB Response</th>
</tr>
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</table>
| 90559825         | Beverley McClean (received via email), AONB Planning Officer, AONB Team | In respect of the comments and proposed modifications:  
- It is not accepted the site lies within the setting of the AONB which is more than 300m away and there is no meaningful visual relationship between the two;  
- MS5 has not been modified because it is a new policy;  
- there is no need to refer to the distance of the proposed working to the AONB because the relevant distances are shown in the inset map which is drawn to scale on an Ordnance Survey base map;  
- there is no need to replace our existing wording "progressive working and low level" and replacing with "high quality". The current wording does not reflect the quality of mitigation and restoration desired but reflects how the site should operate and the topography of the final restoration.  
"Progressive working" means that the site should operate in such a way that as a new | Resolved issues  
AONB setting issues  
The AONB team acknowledge that due to existing landscape features i.e. matures trees along field boundaries and well maintained hedges along Stoke Road that there is very little visual relationship between the proposed mineral site and the northern boundary of the AONB.  
Progressive working and low-level restoration  
The AONB team acknowledges the difference between progressive working and low-level restoration, and landscape mitigation. We are no longer seeking a wording change to criteria (a) of policy MS5 with regards progressive working and low-level restoration.  
90559825 Unresolved issues  
AONB setting  
The proposed extension to the mineral site at Layham at its closest point is 316m from the boundary of the Dedham Vale AONB. There is one field separating the southern boundary of the proposed mineral |
Comments on the Sustainability Appraisal (SA) assessment for Layham The Sustainability Appraisal (SA) recommended the following changes to policy SM5 to ensure that the policy in the MWLP is legally compliant and sound.

1. The Policy could however include reference to the presence of the AONB 300m of the site in the landscape criterion and seek relevant assessment and possible mitigation requirements as a result.

2. Both the appraisal of the site within Section 10 of this Report and the Council’s independent site assessment highlight the evidence of low density and low complexity later prehistoric activity identified by archaeological investigations undertaken in connection with previous phases of extraction, lying north of the proposed extension to workings. The Policy does not include the requirement for an archaeological investigation and possible appropriate mitigation and the inclusion of such a requirement is recommended.

Policy MS5 has not been amended to reflect the recommendations of the SA with regards the need for a relevant assessment and suitable mitigation. The Partnerships consider that further amendments are needed to policy MS5 to reflect the recommendations of phase of the site is being worked, the previous phase is being restored. This minimises landscape impacts. Low level restoration occurs when there is limited or no backfilling of a site with other material (such as inert waste) and the land is restored at a physically lower level than before the extraction. The bunding is filled back into the extraction area to “smooth over” the edges, creating a shallow dish effect, which is an acceptable form of mitigation and will also include the retention of landscape features such as field boundaries and hedgerows; the SCC Archaeological Service has been consulted at each stage of plan making. The presence of archaeological potential is recognised in paragraph 12.9 and the recommendation to approach this is through condition.

Site and the nationally designated landscape. The site must therefore be considered to be located within the setting of the Dedham Vale AONB. While the visual relationship is weak between the proposed site and the AONB boundary, given its close proximity, potential impacts from dust, noise and therefore reduced tranquillity and on local landscape character still need to be considered.

**Landscape**

Criteria (a) identifies the need for a progressive and low-level restoration scheme that is sympathetic to the wider Special Landscape Area and to the nearby Area of Outstanding Natural Beauty. Special Landscape Areas are almost defunct as a landscape designation. Local Plans place much greater emphasis now on Landscape Character Assessment as the process for identifying landscape character. To future proof the Suffolk Minerals and Waste Local Plan and to bring the emerging Suffolk Minerals and Waste Local Plan up to date with current good practice the following minor modification is proposed to criteria (a) of policy MS5 “a progressive and low level restoration scheme that is sympathetic to the *local landscape character* and to the nearby Area of Outstanding Natural Beauty.

**Archaeology**

The supporting text to policy MS5 references potentials impacts on archaeology (section 12.9), ecology
the SA to ensure that impacts on the setting of the AONB are properly considered.

The recommendations of the SA with regards the need for archaeological investigations and the identification of any necessary mitigation also have not been carried forward into policy MS5. While the supporting text in paragraph 12.9 identifies the need for archaeological investigations it does not reference mitigation.

As before, the Partnerships consider that policy MS5 would be strengthened by the inclusion of a criteria identifying the need for archaeological investigations and any appropriate mitigation.

Proposed modification to policy MS5

The Partnerships’ preferred modification would be the removal of the Layham allocation from the Submission SMWLP as it falls within the setting of the Dedham Vale AONB. Adequate assessments have not been completed to date and we do not consider that the inclusion of the site has been adequately justified by robust evidence.

If, however, the site is to be included in the Submission SMWLP, then the following modifications are considered necessary to policy MS5 (section 12.10), air quality (sections 12.11 – 12.15), noise (section 12.16) and Floods (Section 12.18). Recommendations for the need to mitigate impacts for all of these issues have been carried forward into the main policy text. No such policy requirements have been embedded in policy MS5 to manage impacts on archaeology. This is inconsistent. The following text should be added to the policy MS5 as a minor modification for consistency ‘an archaeological field evaluation, and deposit modelling, prior to the granting of any planning permission to allow for preservation in situ, where appropriate, and to allow archaeological preservation or mitigation strategies to be designed.’ The addition of this text to policy MS5 would make it consistent with policy MS6 with regards the treatment of archaeological assets.

Landscape mitigation.

The supporting text to policy MS5 identifies the capacity for sensitive landscape mitigation. The need for sensitive landscape mitigation has not been included as a policy requirement in the main body of policy MS5. Nor is the need for landscape mitigation identified in policy GP4. Given the site’s proximity to the Dedham Vale AONB boundary, the following minor amendment to policy MS5 is considered necessary for consistency- ‘the implementation of a high quality landscape...
a) a progressive working and low-level high-quality mitigation and restoration scheme, informed by a detailed Landscape and Visual Impact Assessment (LVIA), that is sympathetic to the surrounding landscape character and wider Special Landscape Area and to the setting of the Dedham Vale Area of Outstanding Natural Beauty.

Given that the proposed mineral site at Layham is located within the setting to the Dedham Vale AONB, then mitigation and restoration should be of a higher standard than that normally implemented.

b) an archaeological field evaluation, and deposit modelling, prior to the granting of any planning permission to allow for preservation in situ, where appropriate, and to allow archaeological preservation or mitigation strategies to be designed.

Further advice should be sought from Suffolk County Council’s archaeological unit for further modification to the above suggested policy wording.

The above changes are considered necessary to ensure that the Submission draft of the MWLP will have been supported by robust evidence which delivers sustainable development and to ensure that it is compliant with the mitigation and restoration scheme, informed by a Landscape and Visual Impact Assessment, that is sympathetic to the local landscape character and to the nearby Area of Outstanding Natural Beauty.
**POLICY MS6: TATTINGSTONE**

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<tr>
<th>Referenc e Number</th>
<th>Respondent</th>
<th>Legally compliant?</th>
<th>Sound?</th>
<th>Compliance with duty to co-operate?</th>
<th>Representation</th>
<th>SCC Response</th>
<th>AONB Response</th>
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<tbody>
<tr>
<td>90559825</td>
<td>Beverley McClean (received via email), AONB Planning Officer, AONB Team</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>The proposed quarry extension at Tattingstone is currently located approximately 1.5km from the boundary of the Suffolk Coast &amp; Heaths Area of Outstanding Natural Beauty. The boundary of this AONB is currently under review by Natural England. A proposal has been put forward to extend the Suffolk Coast &amp; Heaths AONB to the south west of Alton Water. If approved, the revised AONB boundary would be approximately 400m south of the proposed extended mineral site at Tattingstone. This would require the allocation of the mineral site extension at Tattingstone to be considered in the context Bunding is a standard form of mitigation on the site for visual and noise impact (covered in policy GP4), but also perform a function as storage for the overburden (topsoil and other material which is on top of the sand and gravel), as such it is not considered that specific wording for bunding is required in the policy. Removal of the bunding will be required as restoration of the site and will be used to partially fill in the extraction area. The Stour and Orwell SPA is already mentioned in paragraph 13.13, but can also be mentioned in Policy MS6 by modifying clause d) of Policy MS6 to read “potential impacts upon nature conservation interest</td>
<td>Resolved issue</td>
<td>We support the inclusion of a reference to the Stour &amp; Orwell SPA in policy MS6 as proposed Since the Submission of the SCC Minerals &amp; Waste Local Plan was completed the process to extend the Suffolk Coast &amp; Heaths AONB has progressed significantly. The Variation Order for the extension to the Suffolk Coast &amp; Heaths AONB boundary was issued for public consultation on Tuesday 12 February 2019 for 28 days. The consultation has now ended. The proposed mineral extension site at Tattingstone is located approximately 218 m from the proposed extension area to the Suffolk Coast &amp; Heaths AONB – see link <a href="http://www.suffolkcoastandheaths.org/assets/About-Us/Boundary-Review/2017-MAP-whole-area-of-extension-50k-background.pdf">http://www.suffolkcoastandheaths.org/assets/About-Us/Boundary-Review/2017-MAP-whole-area-of-extension-50k-background.pdf</a> The next and final stage of the process requires sign off from the Secretary of State. The AONB extension process has reached an advanced enough stage to carry weight in the planning</td>
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The Partnerships acknowledge that the current AONB boundary is located some distance from the proposed mineral site. It is anticipated that within the lifetime of the SMWLP, the AONB boundary will have been revised, therefore we would urge that a precautionary approach is adopted towards the proposed site at Tattingstone due to the ongoing AONB review.

Comments on the Sustainabilty Appraisal (SA) Assessment for Tattingstone.

The SA section for Tattingstone, stated the following: The appraisal of this site within Section 10 of this Report indicates negative or possible negative impacts surrounding landscape, Stour & Orwell SPA, Stour Estuary SSSI, Brantham Bridge Meadows CWS, protected species, archaeology, a bridleway / PRoW, and the proximity of a number of residential properties. The Policy can be seen to address the majority of these impacts suitably, with additional information and mitigation measures including trees, ditches, watercourses, the Stour & Orwell Special Protection Area, European Protected Species, Priority Species, Priority Habitats, which need to be adequately assessed and where necessary mitigation proposed.

SCC consider that mitigation for landscape is covered by policy GP4 which includes criteria for considering protected landscapes.

Unresolved issues

Bunding

The AONB team acknowledge that bunding is a standard form of mitigation on sites to manage visual and noise impacts. We maintain that in the setting to the AONB it is only appropriate during the operational phase.

As the proposed mineral allocation at Tattingstone is located 218m from the proposed extended AONB boundary, it is considered to be located within the setting. It is acknowledged that there is a weak visual relationship between the proposed mineral site and the extended AONB boundary point. The CHF have concluded that bunding is appropriate in this setting and it is welcomed.

What this means in practice is that allocations in the M & W LP and any future Planning Applications must ensure that the Natural Beauty of the Suffolk Coast & Heaths AONB is conserved. Any proposals coming forward should seek to conserve and enhance the Nationally Designated Landscape and its setting. This needs to be reflected in policy MS6.

If this site is considered suitable for allocation the AONB team consider that the following minor

Unresolved issues

Bunding

The AONB team acknowledge that bunding is a standard form of mitigation on sites to manage visual and noise impacts. We maintain that in the setting to the AONB it is only appropriate during the operational phase.

As the proposed mineral allocation at Tattingstone is located 218m from the proposed extended AONB boundary, it is considered to be located within the setting. It is acknowledged that there is a weak visual relationship between the proposed mineral site and the extended AONB boundary point. The CHF have concluded that bunding is appropriate in this setting and it is welcomed.

What this means in practice is that allocations in the M & W LP and any future Planning Applications must ensure that the Natural Beauty of the Suffolk Coast & Heaths AONB is conserved. Any proposals coming forward should seek to conserve and enhance the Nationally Designated Landscape and its setting. This needs to be reflected in policy MS6.

If this site is considered suitable for allocation the AONB team consider that the following minor
requested of any forthcoming planning applications. At the time of writing, a number of comments were made on the HRA work undertaken to accompany the Plan by Natural England.

The Sustainability Appraisal (SA) recommended the following changes to policy SM6 in consideration of the potential impacts highlighted for the site within Section 10 regarding Natura 2000 sites, it is recommended that the Policy add further detail regarding the specific assessment requirements of work related to ‘nature AONB Partnerships response Submission SMWLP Page 11 conservation interests’, for instance whether there is a need for a project-level HRA to be undertaken to accompany any forthcoming planning application.

Proposed modification to policy MS6

The Partnerships’ preferred modification would be the removal of the Tattingstone allocation from the Submission SMWLP as it located close to the area proposed as an extension the Suffolk Coast & Heaths AONB. The site also falls within the Zone of Influence of the Stour and Orwell SPA, modifications are considered necessary to policy MS6 to reflect this.

b) a comprehensive scheme of screening and bunding for the proposed extension, during the operational phase only is essential to minimise adverse impacts of the wider landscape of the Special Landscape Area, Area of Outstanding Natural Beauty including the proposed extension area and on local visual amenity

**Landscape**

Policy GP4 makes no reference to the need for landscape mitigation. In terms of landscape considerations, the supporting text to policy MS6 identifies the need for the careful removal of screen bunding to avoid opening up views of the existing mineral and waste landfilling and recycling operations to protect residential amenity and wider Special Landscape Area. Neither the supporting text or policy MS6 identifies the need for a sensitive landscape mitigation and restoration scheme.

If this site is considered suitable for allocation the AONB team consider that the following minor modifications are needed to policy MS6 given the site’s proximity to the proposed extended Suffolk Coast & Heaths AONB boundary:

- the implementation of a high-quality landscape mitigation and restoration scheme, informed by a Landscape and Visual Impact Assessment, that is sympathetic to the local landscape character and to the nearby Area of Outstanding Natural Beauty.

This change is considered necessary to ensure that a landscape restoration scheme reflecting the sensitivity of the site is delivered if this site is allocated and to help conserve the landscape character within the setting of the Nationally Designated Landscape.

**Public Rights of Way**
Adequate assessments have not been completed to date therefore we do not consider that the inclusion of the site has been adequately justified by robust evidence and it is therefore premature to allocate it at this stage. If the site is to be retained in the Submission SMWLP, then the following modifications are considered necessary to policy MS6:

b) a comprehensive scheme of screening and bunding for the proposed extension, during the operational phase only is essential to minimise adverse impacts of the wider landscape of the Special Landscape Area, Area of Outstanding Natural Beauty including the proposed extension area and on local visual amenity;

Bunding is an uncharacteristic and incongruous feature in the local landscape within the setting of the AONB and it is therefore not considered a suitable mitigation measure for inclusion in any proposed restoration scheme for this site.

d) potential impacts upon nature conservation interest including Stour and Orwell SPA, trees, ditches, watercourses, European

Paragraph 13.22 of the supporting text to policy MS6 identifies the need to ensure that Bridleway BR 37A is unobstructed. It also identifies the need to either accommodate footpath FP37 which crosses the site or to temporarily extinguish it. Policy 6 proposes a diversion to BR 37 but makes no reference to how operators should treat FP 37.

As drafted, this is confusing and needs to be amended to provide clarity for both mineral and waste operators as well as users of the PROW network. Further advice should be sought from the Council’s PROW team.
Protected Species (Bats), Priority Species, Priority Habitats, which need to be adequately assessed and where necessary mitigation proposed; The following new criteria is also proposed for inclusion in policy MS6

a) a high-quality mitigation and restoration scheme, informed by a detailed Landscape and Visual Impact Assessment (LVIA), that is sympathetic to the landscape character, wider Special Landscape Area and to the setting of the Suffolk Coast & Heaths Area of Outstanding Natural Beauty.

Given that the proposed mineral site at Tattingstone may in the future be located within the setting to the Suffolk Coast & Heaths AONB, then mitigation and restoration should be of a higher standard than that normally implemented.

The above changes are considered necessary to ensure that the Submission draft of the SMWLP delivers sustainable development and is compliant with the National Planning Policy Framework 14, 109, 115 of the NPPF.
### POLICY MS7: WANGFORD

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<thead>
<tr>
<th>Reference Number</th>
<th>Respondent</th>
<th>SCC Response</th>
<th>AONB Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>90559825</td>
<td>Beverley McClean</td>
<td>Site MS7 Wangford The proposed Minerals extension site at Lime Kiln Farm, Wangford lies wholly within the Suffolk Coast &amp; Heaths AONB. The area proposed for allocation has been reduced which is welcomed, however the proposed extension site still covers an area of 23.8ha which is considered to represent AONB Partnerships response Submission SMWLP Page 12 major development within the AONB. Major development within the AONB, is likely to have a long-term adverse impact on the purposes of designation. The inclusion of the site has been justified in terms of the unusually high gravel content (60%), the lack of alternative sites in north East Suffolk, the high grade quality of the gravel being extracted, the lack of economically viable alternative sources of gravel and the fact that impacts on the AONB, residential amenity, nearby ecological designations and</td>
<td>As stated in the plan SCC considers there are exceptional circumstances consistent with paragraph 116 for the following reasons: i) the existing quarry at Wangford has been in operation for several decades and is an important part of the local economy; ii) there is a shortage of gravel in the market area served by this quarry and the proposed extension contains an unusually high percentage of gravel (60%) compared to most other quarries in Suffolk and Norfolk; iii) the market area includes both Ipswich and Norwich and the gravel from Wangford is used to supplement the sand rich deposits from other quarries within the market area including those of rival companies; iv) processing is able to produce a regular spherical gravel grade product which can be used for specialist uses such as filter beds; v) there are no other acceptable proposed sites within the north-east area of Suffolk; vi) alternative sources such as crushed rock, recycled aggregates and marine dredged sand and gravel are unable to provide a suitable alternative due to availability or economic viability; vii) it is considered that in</td>
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**Sustainability Appraisal Resolved issue**

We acknowledge that policy MS7 identifies the need to include measures to prevent adverse hydrological impacts on potable water supplies, protected sites and species with regards water quality and dewatering in criteria e.

**Unresolved issues Compliance with Paragraph 116 tests**

The proposal to extend the quarry at Wangford represents major development within a Nationally Designated Landscape. Para 116 of the 2012 NPPF states
recreation could all be mitigated.

Paragraph 116 of the NPPF states that “Planning permission should be refused for major developments in designated areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest. Consideration of such applications should include an assessment of:

• The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

• The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

• Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that can be moderated.”

Taking each of the above considerations in turn with specific reference to Wangford Quarry:

From the evidence submitted the Partnerships would query whether this is sufficient to support the claim that the extension site is of national respect of the impact upon the wider AONB, the recreation within the area, the nearby residential properties and ecological designations, the proposals could be mitigated to an acceptable extent.

This is the outline of SCCs reasoning with the details presented in Site Selections reports; the geology section of each report summarises the quality and quantity of sand and gravel at each site and the appendices present the geological data. No other sites submitted to SCC during the call for sites, contained material of a high percentage of gravel as Wangford Quarry.

Alternative sources such as recycled aggregate, crushed rock, and marine dredged aggregates are considered in sections 4, 5, and 6, of the Local Aggregate Assessment 2018, respectively. While it is the case that aggregate recycling from construction, demolition and excavation waste increased, supplies of this aggregate from this source are difficult to predict as they are tied to construction, demolition and excavation activities. While approximately 9 million tonnes of aggregate are licenced off the coast of East Anglia, relatively small tonnages are landed in Suffolk, with most of the material being landed in London, so this cannot be relied upon to supply Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The AONB team does not consider that the exceptional circumstances nor the 3 tests listed under paragraph 116 of the 2012 NPPF have been satisfied by the proposed allocation of the mineral site at Wangford

The M & W Local Plan identifies sites which would yield in excess of the required quantities needed to satisfy NPPF requirements and to meet local demand for minerals. We therefore maintain that there is no need to include the site at Lime Kiln Farm as
significance or of particular note for the local economy.

The Plan clearly identifies sites which would yield in excess of the required quantities needed to satisfy NPPF requirements and to meet local demand for minerals. The Partnerships therefore believe that there is no need to include the site at Lime Kiln Farm as demand can be met by working other sites outside of the designated area and by sourcing minerals from alternative sources e.g. marine aggregates.

The site is within an important area for the local tourism economy. The Plan appears to have failed to consider impacts on the tourism economy and the extent to which these effects can be avoided or moderated.

There is a significant risk of causing detrimental effects on the environment given the plethora of designated sites within less than 1km and the fact that the site is within a nationally designated AONB landscape. As already discussed, these have not been fully assessed to date. The risk associated with the allocation of sites prior to fully understanding all likely significant impacts is too great.

Suffolk’s needs, as the market determines where this material is landed. For these reasons SCC considers these exceptional circumstances consistent with paragraph 116 of the NPPF. Crushed rock Suffolk does receive importation of crushed rock, however SCC would argue that having a local supply is more sustainable.

While it is acknowledged that there may be limited impacts on specific tourism receptors near to the site, however as the quarry is an extension to a currently existing quarry and the level of activity is not expected to significantly change from the current levels. As a result the overall impact of the quarry extension is not expected to be significantly different to the current situation.

While the plan does include an excess of the requirements in the NPPF, the NPPF also requires SCC as the minerals planning authority to consider “other factors”, which includes mineral quality.

SCC considers that an outline Landscape and Visual Assessment is detailed enough for the plan stage of the planning process, however a detailed Landscape and Visual Assessment has been undertaken since the consultation.

The AONB team has not seen evidence setting out the economic viability or otherwise of sourcing high grade gravel from alternative sources as required by test (b) of para 116.

The AONB team

**Detailed Landscape Visual Impact Assessment**

The AONB team has not seen the detailed LVIA. We are not aware if this has driven modifications to policy MS7 therefore we cannot comment further on this issue.
The Outline Landscape and Visual Assessment (LVIA) Report Reference: CE-LY1271-RP01a – FINAL), submitted as part of the evidence base, assessed the AONB Partnerships response Submission SMWLP Page 13 potential landscape and visual impacts of the proposed quarry extension on the AONB, including impacts on tranquillity.

The Outline LVIA stated that while mineral development might preferentially be steered away from intrinsically valued environmentally designated areas, temporary mineral development could be considered acceptable, once proportionate impact assessments have been undertaken and a suitable design, responding to the findings of the impact assessments devised.

The LVIA concluded that the allocation of the Lime Kiln extension would not result in landscape or visual constraints or effects that would be difficult to overcome or mitigate. It acknowledged that it would result in a small number of adverse potential landscape and visual effects that would need to be addressed as part of the detailed design stage to ensure that the potential development would be

It is acknowledged that there will be limited disruption to the AONB and the loss of tranquillity, however this will be temporary and restoration of the site would restore it to a use with biodiversity gains or return the site to agriculture. It is also acknowledged that there would likely be permanent change to the landform, however this must be weighed against the benefits of the scheme, which is provision of high-quality aggregates at a regional level from a more sustainable and reliable source than the alternatives. It should be noted that policy MS7 part "f" does require the retention of linear features such as hedgerows and trees on field boundaries.

Regarding the Sustainability Appraisal, policy MS7 does identify that there are potential negative impacts to groundwater, which have implications for nature conservation interests in the area. Part "e" of the policy is intended to address this.

Regarding the HRA, SCC have undertaken an appropriate assessment and undertaken an additional focussed consultation.

Impacts on Suffolk Coast & Heaths AONB

The AONB has already identified potential impacts on the nationally designated landscape some of which cannot easily be mitigated. These include:

- sterilisation of the AONB at Wangford for approximately 13 years during the operational stage.
- loss of tranquillity from increased noise, and traffic movements and dust during the operational phase.
- detrimental change in the quality of user experience in terms of recreational use

Whilst it is acknowledged that these impacts would be temporary they would be experienced locally for a considerable time. Alteration to the landform would be more permanent.

We maintain our objection to the proposed allocation of the mineral site extension at Lime Kiln Farm as it is located within Suffolk Coast & Heaths AONB. The proposal to allocate the Lime Kiln site would not conserve and enhance the Natural Beauty and Special Qualities of this nationally designated landscape and it is therefore considered inappropriate development within the AONB.
acceptable. It stated that mitigation and enhancement measures could easily be employed as part of detailed design stage.

The Outline LVIA concluded that potential adverse effects on the ‘scenic beauty’ and ‘natural beauty’ within the AONB would be very limited and the potential for long-term enhancement, through implementation of a suitable restoration scheme was good, such that compliance with national and local policies would be readily achievable. Overall it concluded that inclusion of the Site as a mineral allocation in the adopted minerals and waste local plan was considered appropriate in relation to landscape and visual considerations.

The Partnerships consider that as the LVIA is so high level, that all likely significant impacts have not been assessed thoroughly enough at this time to justify the inclusion of the Lime Kiln Farm extension in the SMWLP.

We consider that the allocation of the Lime Kiln Farm site is likely to result in the following permanent adverse long-term impacts on the purposes of the designation:

If the site is considered suitable for allocation the AONB team consider that the following minor modifications would be required: a high-quality landscape mitigation and restoration scheme, informed by a Landscape and Visual Impact Assessment, that is sympathetic to the local landscape character and to the Suffolk Coast & Heaths AONB.
• sterilisation of this part of the AONB for approximately 13 years during the operational stage

• loss of tranquillity from increased noise, and traffic movements

• detrimental and permanent change to the landform/landscape character

• detrimental change in quality of experience in terms of recreational use

• potential water pollution, particularly in the receiving water bodies feeding into the Minsmere- Walberswick SPA

Whilst we acknowledge that good quality restoration and mitigation could deliver biodiversity gains, the restoration proposed in the Outline LVIA will result in the alteration of land form and gradients (1:4 and 1 :8) which would permanently change the character of this part of the AONB. The Outline LVIA suggested that the landscape in this part of the AONB was already blighted due to current and previous quarrying related uses. The Partnerships do not consider that this justifies permitting more inappropriate development within this nationally landscape which could cause further harm.
Even if a case were to be successfully made to demonstrate that it is in the national interest to work minerals at Lime Kiln Farm, we maintain that substantial harm to the AONB would result. Any scheme on this site would need to successfully minimise harm to the AONB in terms of landscape character and detrimental impacts on tranquillity. In practical terms, this could only be addressed through retention of the characteristic features of the site, such as hedgerow boundaries and screening of the operational areas of the site during extraction. We fail to see how an appropriate landscape screening scheme could be successfully established within a reasonable timeframe to be effective in minimising harm to the AONB. The LVIA proposed the use of 2-3 m high bunding to provide screening and noise mitigation during the operation stage. Bunds are incongruous features within this landscape and are not considered suitable for use at this site particularly as part of site restoration. Following operation, restoration of the site to pre-extraction landform would be required to minimise the residual harm to the AONB. Anything other than restoration to the pre-
extraction land levels would result in a permanent change to the landscape character of the AONB. The restoration approach seen elsewhere in the AONB, namely at Wangford Common Covert, would be wholly unacceptable at Lime Kiln Farm, given the exposed nature of the location.

For the reasons stated above, the Partnerships consider that the proposal to allocate the Lime Kiln site therefore fails to conserve and enhance the natural beauty and special qualities of this nationally designated landscape and is therefore inappropriate development within the AONB. As such the inclusion of the Lime Kiln Farm site in the Plan fails to address the requirements of paragraphs 115, 143 and 144 of the NPPF.

Comments on the Sustainability Appraisal (SA) assessment for Wangford MS7

Site MS7 at Wangford scored + (positive) when assessed against the Landscape / townscape SA objective. We do not think this accurately reflects the permanent landscape/landform changes that will occur if the Lime Kiln Farm site is approved for allocation.
The SA identified negative or possible negative impacts on surrounding groundwater, landscape, Minsmere-Walberswick SPA, Minsmere-Walberswick Heaths & Marshes SSSI, Wangford Marshes CWS, Suffolk Coast NNR, Hen Reedbeds (SWT Site), Reydon Wood (SWT Site), protected species, archaeology, and the proximity of a number of residential properties. It concluded that policy would address the majority of these impacts suitably, with additional information and mitigation measures requested of any forthcoming planning applications. In recognition of the comments raised in the previous consultation and the potential impacts highlighted for the site on Natura 2000 sites, the SA recommended the addition of further detail to the Policy regarding the specific assessment requirements of work related to 'nature conservation interest', for instance whether there is a need for a project-level HRA to be undertaken to accompany any forthcoming planning application.

This has not been incorporated into policy MS7.

Section 14.14 highlights the need for impacts on nature conservation interests.
including Minsmere-Walberswick to be adequately assessed and where necessary AONB Partnerships response Submission SMWLP Page 15 mitigation identified but makes no mention of the need for site specific Habitats Regulations Assessment.

**Proposed modification to policy MS7**

The Partnerships request the removal of the proposed mineral site extension at Lime Kiln Farm from the Submission SMWLP as it is located within Suffolk Coast & Heaths AONB. The site also falls within the Zone of Influence of the Minsmere - Walberswick SPA. Adequate assessments (HRA and LVIA) have not been completed to date and we do not consider that the inclusion of the site has been adequately justified by robust evidence.

**General comments on the Habitats Regulations Assessment (HRA)**

HRA is an iterative process which should have been ongoing throughout the process of preparing the Suffolk Minerals & Waste Plan from Issues and Options stage through to Preferred Options stage and Submission stage.
A high-level Habitats Regulation Assessment Screening Report was completed in 2017, which mainly concluded a neutral effect on all European sites and recommended the preparation of project level HRAs, at the planning application stage, for all of the proposed allocated sites located close to European designated areas. The Partnerships consider that the policies and proposals in the SMWLP with the potential to impact on European designated sites i.e. Special Areas of Conservation, Special Protection Areas and Ramsar sites have not been properly assessed.

We consider that a full Appropriate Assessment (AA) needs to be completed to ensure that all the likely significant effects and the impact on the integrity of the European Designated sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites, arising from proposed policies, and the proposed allocation of sites in the SMWLP are properly assessed and understood. Without the completion of a full AA, it is impossible for the Minerals Authority to confidently conclude that all of the sites proposed for
allocation are acceptable in environmental terms particularly with regards SPAs, SACs and Ramsar sites. Without this assessment it considered premature to allocate those sites located close to internationally designated sites.

The Partnerships understand that further work is to be undertaken on the Habitats Regulations Assessment in response to comments received at the Pre-Submission consultation stage and in light of the recent Sweetman Ruling. The revised Habitats Regulations Assessment /Appropriate Assessment was not available for comment during the SMWLP Submission consultation. As published, therefore the 2017 HRA Scoping Report, submitted as part of the SMWLP evidence base, does not satisfy the requirements of EU legislation.

We will be happy to review the amended HRA/AA Report once it has been revised and review our comments if necessary.

The AONB Officers do not wish to participate in person at the Examination in Public (EIP) for the Submission SMWLP.
We would like to be notified about future consultations related to the SMWLP, the date of the EIP and be notified when the Inspector’s Examination Report is published.

5. **Habitats Regulations Assessment**

<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Respondent</th>
<th>Legally Compliant?</th>
<th>Sound?</th>
<th>Compliance with duty to co-operate?</th>
<th>Representation</th>
<th>SCC Response</th>
<th>AONB Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>102330382</td>
<td>Beverley McClean, AONB Team</td>
<td></td>
<td></td>
<td></td>
<td>General Comment Overall we accept the conclusions of the Appropriate Assessment (AA) however we have a number of issues to raise which are discussed below. It is not clear how the recommendations in the 2018 AA will be integrated into the Suffolk County Council Submission Minerals and Waste Plan Local Plan. Any mitigation identified through the AA needs to be integrated into the relevant site specific policies in the document. We have proposed suggested amendments later in this response in relation to this matter.</td>
<td>SCC notes that this respondent accepts the conclusions of the Appropriate Assessment. SCC considers that policy GP4 secures all measures necessary to avoid harm to a European site. Details are not necessary at Local plan stage; SCC is satisfied that all measures are realistic and achievable, and can be delivered through planning applications</td>
<td>Resolved issue</td>
</tr>
</tbody>
</table>

**Appropriate Assessment**

While the AONB team accepted the overall conclusions of the AA, we did query how it had been used to influence modifications to the M & W LP?

**Policy GP4**

As drafted policy GP4 makes no reference for the need to avoid harm to a European site. Policy GP4 refers to the need to avoid harm to biodiversity per se but does not specifically mention European Sites or any other designated or non-designated...
whose ecological value could be impacted. The changes being sought by the AONB team are being requested to make the need to avoid harm to such sites much more explicit.

A minor modification has been proposed to policy GP4 as set out under reference 90559825 to resolve this issue.

| 102330651 | Beverley McClean, AONB Team | Section 2 All the Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites that could potentially be affected by proposals in the Submission Suffolk Minerals and Waste Plan have been correctly identified in Section 2 of the HRA report. Section 2.3 - Likely Significant Effects We agree with the conclusion set out in paragraph 2.5.1 of the HRA that the proposed allocation of sites M2 Barnham, M4 Cavenham and M7 Wangford and the supporting policies for these sites had the potential to result in likely significant effects and therefore required further consideration through Appropriate Assessment. | Noted. |

| 102330814 | Beverley McClean, AONB Team | Section 3 Appropriate Assessment Appropriate Assessment of Policy MP2/MS2, Site M2 Barnham We concur with the potential likely significant effects identified in paragraphs 3.2.4 & 3.2.5 in the HRA report that SCC considers that policy GP4 secures all measures necessary to avoid harm to a European site; it is more than just an implication. Details are not necessary at Local plan stage; SCC is satisfied that all measures are realistic and | Unresolved Policy GP4 As drafted policy GP4 makes no reference for the need to avoid harm to a European site. Policy GP4 refers to the need to avoid harm to biodiversity per se but does not specifically mention |
could arise from the proposed allocation and policy for MP2/MS2, Site M2 Barnham. Mitigation embedded in the Local Plan in section 3.1.1, the AA states the following ‘Policy GP4 states that minerals and waste development will be acceptable provided that proposals adequately assess and address potentially significant adverse impacts upon biodiversity.’ Any proposal that would have an adverse upon the integrity of any European site would fail this policy test, and not be permitted.’ Policy GP4 (General Environmental Criteria) is regarded as a mitigating policy in the Suffolk’s Submission Minerals & Waste Local Plan. As drafted, we consider that the need to assess impacts of proposals in the Submission Suffolk Mineral and Waste Local Plan on international/European designated sites is only implied in bullet point (d) of policy GP4. The need to assess impacts on all designated sites including Natura 2000 sites (and Ramsar sites) should be made much clearer in policy GP4. Such an amendment would provide certainty for operators and ensure that impacts on internationally designated & European Sites are properly considered throughout the achievable and can be delivered through planning applications. European Sites or any other designated or non-designated whose ecological value could be impacted. The changes being sought by the AONB team are being requested to make the need to avoid harm to such sites much more explicit.

A minor modification has been proposed to policy GP4 as set out under reference 90559825 to resolve this issue.
entire mineral & waste planning processes. As stated in para 3.3.1 of the AA, Policy MP2 identifies the requirements that future planning applications for this site will need to satisfy. This includes the importation of inert materials to aid restoration, phased working and restoration, impacts on European sites, an air quality assessment to address pollution and dust and a noise assessment. When considered alongside the requirements of policy GP4 we are satisfied with the conclusion reached in para 3.2.19 that all measures are in place to ascertain that there would be no adverse affect upon the integrity of any European site, and a long-term benefit to Breckland SPA would occur for the proposed allocation at Barnham. However, the recommendations in the AA regarding the site at Barnham M2 have not been carried forward into the site specific policy for Barnham which is necessary to ensure compliance with the Habitats Regulations.