



The Planning Inspectorate

Report to Suffolk County Council

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an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Suffolk Minerals & Waste Local Plan

The Plan was submitted for examination on 20 December 2018

The examination hearings were held between 19 and 26 June 2019

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Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
AWP	Aggregates Working Party
CD&E	Construction demolition and excavation
C&I	Commercial and industrial
GPDO	Town and Country Planning (General Permitted Development) (England) Order 2015
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
MM	Main Modification
NDA	Nuclear Decommissioning Authority
NPPW	National Planning Policy for Waste
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SWS	Suffolk Waste Study
tpa	Tonnes per annum

Non-Technical Summary

This report concludes that the Suffolk Minerals & Waste Local Plan provides an appropriate basis for the planning of minerals and waste developments in Suffolk, provided that a number of main modifications (MMs) are made to it. Suffolk County Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs together with a Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) were subject to public consultation over a 6-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them. I have made changes to the Council's wording of three MMs to accord with the recommendations of the HRA. Those changes add references to further designated habitats which must be considered.

The Main Modifications can be summarised as follows:

- The deletion of Policy MS7 which allocated a site at Wangford for mineral extraction;
- Modifications to policies GP4, MS2, MS4, MS6, MS10 and WS1 to ensure that the requirements of the Habitats Regulations are adequately taken into account;
- Modifications to ensure that effects of minerals and waste development on landscape character and protected landscapes are adequately considered;
- Modifications to ensure that the historic environment is adequately considered;
- Clarification of the safeguarding requirements for minerals and waste infrastructure;
- Incorporating flexibility with regard to waste management facilities at water recycling centres;
- Provision for a potential alternative means of access to the site at Barnham (MS2); and
- Detailed amendments to Policy WS1 (Sizewell A nuclear power station).

Introduction

1. This report contains my assessment of the Suffolk Minerals & Waste Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (the 2004 Act) (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (the Framework), in paragraph 182, makes it clear that, in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised Framework was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised Framework, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to the publication of the 2018 Framework.
3. The starting point for the examination is the assumption that the minerals and waste planning authority has submitted what it considers to be a sound plan. The Suffolk Minerals & Waste Local Plan, submitted in December 2018 is the basis for my examination. It is the same document as was published for consultation in June 2018.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MM schedule, SA and HRA were subject to public consultation for 6 weeks. I have taken account of the consultation responses in coming to my conclusions in this report. After the consultation, I added references to designated habitats in **MM33**, **MM35** and **MM43** as recommended in the HRA. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and SA that has been undertaken.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that

would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Minerals and Waste Safeguarding and Proposed Sites as set out in the Suffolk Minerals & Waste Local Plan.

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
8. These further changes to the policies map were published for consultation alongside the MMs. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. Section 33A of the 2004 Act requires that the Council must co-operate with other local planning authorities and prescribed bodies in maximising the effectiveness of the preparation of the Plan so far as its policies relate to strategic matters. Minerals and waste development, which are defined as county matters, are strategic matters.
11. Minerals and waste development may have significant impacts on other minerals and waste planning authorities in terms of strategically planning for these facilities. The Council has engaged with other planning authorities within the East of England region as part of the East of England Aggregates Working Party (AWP). This engagement has informed the production of the Suffolk Local Aggregates Assessment (LAA). The Council is also a member of a regional group concerned with waste planning, the East of England Waste Technical Advisory Body. These regional groups include representation from the Environment Agency and the Marine Management Organisation.
12. There has been engagement with district and borough councils and organisations including Local Enterprise Partnerships and the Suffolk Wildlife Trust through consultation exercises and regular meetings. There has also been direct liaison with prescribed bodies in the plan-making process, including with Highways England. Statements of Common Ground (SoCG) between the Council and a number of bodies have been produced. These include SoCG with prescribed bodies, notably Historic England, the Broads Authority and Natural England.
13. It has been demonstrated that there has been active, constructive and ongoing engagement with neighbouring minerals and waste planning authorities, district and borough councils in Suffolk and relevant prescribed bodies. I am satisfied that the duty to co-operate has been met.

Assessment of Soundness

14. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified three main issues upon which the soundness of the Plan depends. Under these headings I deal with the main matters of soundness rather than responding to every point raised by representors. The report does not refer to every policy in the Plan. I am satisfied that those policies not covered in my report are sound.

Issue 1: Whether the vision, aims, objectives and the Plan's general policies in chapter 4 provide an appropriate basis for sustainable minerals and waste development.

Vision, aims and objectives

15. The Suffolk minerals and waste local plan vision 2036 is set out on page 8 of the Plan. The second paragraph of the vision states that sites will be required to operate to high standards so that they do not have a significant adverse impact on the environment, historic environment, local amenity or human health. It is important to explicitly recognise that landscape character forms part of that consideration as there are nationally protected landscapes within the Plan area. **MM2** is necessary to ensure consistency with national policy. As this is a broad statement of vision it is not necessary, however for this to go into detail about specific designations.

16. The aims and objectives as set out on page 9 are unsound for the following reasons. The first objective of the Plan is to provide policies for minerals and waste development that take into account the waste hierarchy. National policy requires waste to be moved up the hierarchy and this objective should be strengthened to make this clear. It is also necessary to clarify the purpose of the Key Diagram in illustrating the geographical locations of the main sources of demand for aggregates and waste arisings, environmental designations and transport links to assist in decision taking under Policy GP3: Spatial Strategy. It is necessary to provide for avoidance of harm to biodiversity, as required by national policy and to add 'landscape character' and 'visual impact' to objective 5 to ensure effectiveness.

17. **MM3** is necessary to ensure effectiveness and consistency with national policy. Because the aims and objectives are high-level statements, it is not necessary for these to state particular national policy requirements given that the policies must be consistent with national policy.

Policy GP1: Presumption in favour of sustainable development

18. Policy GP1 (a) requires proposals to be assessed against the Framework and the National Planning Policy for Waste (NPPW). The last sentence appears incomplete and it is necessary to ensure effectiveness that the sentence states "taken as a whole". **MM4** is necessary for this reason.

Policy GP3: Spatial strategy

19. The policy sets out the spatial strategy and requires proposals to be well-related to major centres of population but does not specify these. In order to ensure the policy is effective, **MM5** states those major centres.

Policy GP4: General environmental criteria

20. The policy sets out the general environmental criteria against which all proposals are to be assessed. It is unsound as submitted in a number of respects. The policy does not require cumulative impacts to be assessed and this aspect is not consistent with national policy.
21. Criterion (c) of the policy requires assessment of impact upon landscape character, visual amenity and protected landscapes. This criterion should make clear that there are Areas of Outstanding Natural Beauty (AONB) and the Broads within the Plan area in order to be effective and consistent with national policy. For the same reason, it is also necessary to identify the setting of landscapes as a factor requiring assessment.
22. Criterion (d) requires assessment of biodiversity. This should include assessment of European designated sites, ancient woodlands and trees, amongst other matters.
23. The policy as submitted requires impacts upon heritage assets and their setting to be assessed. It is necessary to make it clear that the requirement of criterion (f) includes assessment of archaeology, and to provide clarity to the requirement of criterion (s) regarding consideration of the use of alternative forms of transport. These changes are necessary to ensure the policy is effective.
24. The consideration of potential impacts on aviation is a requirement of national policy and the policy should refer to this.
25. The last paragraph of Policy GP4 is not effective in terms of its requirements for safeguarding biodiversity. In order to be consistent with the Framework it is necessary to include a requirement to seek net biodiversity gain where possible. It is also necessary to set out the hierarchy of avoidance of adverse impact, followed by mitigation and last of all compensation for its loss. However, it is not necessary to state legislative requirements within this policy to make it sound. **MM6** is necessary to address the above matters of unsoundness. This is necessary to ensure Policy GP4 is effective and consistent with national policy.
26. For the above reasons the vision, aims and objectives and the general policies in chapter 4 of the submitted Plan are unsound in a number of respects and do not provide an appropriate basis for sustainable minerals and waste development. The recommended MMs are necessary to make the Plan sound in these respects.

Issue 2: Whether the minerals and waste policies are positively prepared, consistent with national policy, justified and effective

Policy MP1: Provision of land won sand and gravel

27. The LAA considers the requirement for land-won sand and gravel as well as sources of imported aggregates. In particular, recycled aggregates, imported crushed rock and marine-dredged sand and gravel are considered in the assessment. The methodology used to assess the requirement in Suffolk is consistent with paragraph 145 of the Framework in that it is based on the average of the last ten years' sand and gravel sales. The last 3 years' sales have also been considered in order to ascertain any trend but this assessment indicates that sales over the last 3 years have been similar to the 10-year average. The LAA considers the number of homes required to be delivered each year as well as planned infrastructure projects. This information has informed the assessment of need. A landbank of permitted reserves of at least 7 years is to be maintained, in accordance with the Framework. The requirements of the LAA have been met. On this basis, Policy MP1 is positively prepared and in accordance with national policy.
28. Paragraphs 5.17 and 5.21 both state that, generally speaking planning permission is not required for wharves or railheads handling crushed rock, sand and gravel. The Town and Country Planning General Permitted Development Order (GPDO) provides permitted development rights for these facilities but those rights are subject to limitations. It is important to make this clear, for effectiveness. **MM7** and **MM8** provide additional text in this regard.

Policy MP2: Proposed sites for sand and gravel extraction

29. I consider that the inclusion of site M7 (Wangford) as an allocation for mineral development would be unsound, for reasons given later in this report. Consequently, Policy MP2 should be amended to delete reference to this site. **MM9** makes this amendment. **MM1** is also necessary to update paragraphs 1.4 and 1.5 in the executive summary to reflect this modification.

Policy MP6: Progressive working and restoration

30. Policy MP6 sets out requirements for restoration schemes for mineral workings. This does not include any requirement to consider the historic environment. The Framework states that this should be considered. To ensure consistency with national policy, **MM10** adds this requirement.

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

31. This policy requires the safeguarding of port and other facilities associated with the movement of minerals and production of concrete, asphalt and recycled materials. The supporting text refers to the Government's East Inshore and East Offshore Marine Plans which also refer to the safeguarding of port facilities. **MM11** inserts a new paragraph which refers to the South East Marine Plan, which is expected to be adopted in 2020. This is necessary to provide full information

and ensure effectiveness. However, until that Plan is adopted, the UK Marine Policy Statement is relevant. To ensure effectiveness, **MM12** clarifies this.

32. The penultimate paragraph of Policy MP9 concerns the 'agent of change' principle whereby new housing or other development that may be affected by existing mineral operations would have to provide any necessary mitigation measures. **MM13** is necessary to provide more explanation and clarity and to ensure effectiveness in this respect.
33. Policy MP9 is consistent with paragraph 143 of the Framework, which requires safeguarding of existing, planned and potential wharfage. The safeguarding maps show existing rail heads, wharves, concrete products sites, concrete batching plants and asphalt plants. Their purpose is to illustrate the safeguarding zones around existing facilities within which consultation is required under the last paragraph of the policy. The policy also applies to planned and potential facilities. The Council has acknowledged that the wharf at Hamilton Dock, Lowestoft (site W2, Map W1) is no longer available for minerals use. The map has been amended to ensure the policy is effective. The safeguarding maps, which form part of the policies map, will require regular review to ensure they are up to date.
34. There are permitted development rights granted under the GPDO for development on operational port land and the port operator has jurisdiction as to where specific facilities are located within the port according to market forces. The policy would not interfere with that right. It would restrict development of some port facilities for other purposes, but this would only come into play if port land were to be disposed of or if the port authority wished to develop a facility for which planning permission would be required. In such circumstances, the policy allows for the need for the facility and the provision of alternative facilities to be taken into consideration.
35. This policy is consistent with the Minerals Safeguarding Practice Guidance issued by the Mineral Products Association and the Planning Officers' Society in April 2019.

Policy MP10: Minerals consultation and safeguarding areas

36. The policy safeguards minerals from other development and requires demonstration that either the mineral is not of economic value, that it is not feasible to extract, or that the mineral will be worked before the development takes place. It is also necessary to include a provision whereby the mineral may be used within the development to ensure the policy is effective.
37. As submitted, the policy makes a distinction between sites which are allocated in development plans and those that are not. For allocated sites, the requisite investigations should have been undertaken as part of the development plan process. For any unallocated site, an investigation would be required. It is necessary to remove the possibility that mineral safeguarding may not be fully considered in respect of allocated sites, to ensure effectiveness.
38. It is necessary to remove potential for ambiguity in deciding whether a proposal is "potentially conflicting" and to make clear that the policy applies to Minerals

Consultation Areas. These are the areas defined on the policies map and include a 250m buffer around the Mineral Safeguarding Areas.

39. Finally, it is necessary to clarify the need for mitigation similarly to the modification to Policy MP9. These changes are necessary to ensure effectiveness. **MM14** makes these changes.
40. This policy is consistent with the Minerals Safeguarding Practice Guidance issued by the Mineral Products Association and the Planning Officers' Society in April 2019.

Policy WP1: Management of waste

41. The Suffolk Waste Study (SWS) assesses the availability of treatment and transfer facilities for hazardous and non-hazardous waste and the projected arisings of the various waste streams over the Plan period. The Energy from Waste facility at Great Blakenham provides significant capacity of approximately 269,000 tonnes per annum (tpa). In addition to this, there are treatment facilities which, combined with the Energy from Waste facility, provide for about 643,000 tpa of household and commercial & industrial (C&I) waste. There are also waste transfer stations which have a total capacity of about 406,000 tpa.
42. The combined capacity of these facilities is sufficient to manage the bulk of the projected waste arisings over the Plan period. This assumes a 52% recycling rate which is slightly higher than the recycling rate achieved in the last 4 years¹. On this basis there is no need to allocate any site for a further facility. However, there is uncertainty as to future levels of C&I waste and Policy WP1 shows a range of requirements in this respect. In order to allow flexibility, the policies are permissive with respect to any new proposed facilities that may come forward. While there will remain a need for landfill facilities, in respect of which there is significant capacity, the Plan does not rely on these as a main part of the waste provision.
43. Paragraph 6.7 provides background text in terms of the existing waste management facilities and the projected need for such facilities in the Plan period. Sub-paragraph (h) states that it is not necessary to plan any provision for radioactive waste but this conflicts with Policy WP2 which provides for such a site, and Policy WS1 which allocates a site at Sizewell. **MM15** makes a correction in this respect and is necessary for effectiveness. The modification also adds further sub-paragraphs which provide further explanation as to the required need for waste treatment capacity over the Plan period. This is necessary to provide clarity and effectiveness.
44. Policy WP1 states the levels of waste arisings for local authority collected waste, C&I waste, construction, demolition & excavation (CD&E) waste and hazardous waste for which facilities will be granted planning permission provided this would be in accordance with the waste hierarchy. The levels of waste arisings are provided for 5-year intervals. It will be important to ensure the effectiveness of

¹ SWS Table 1

this policy to monitor waste arisings and to consider whether a review of the policy will be necessary. **MM16** makes provision for this.

45. Amended text to paragraph 6.10 is necessary to make clear that the County Council is the waste planning authority for any application for managing radioactive waste at Sizewell. **MM17** is necessary to ensure effectiveness in this respect.

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

46. This policy defines the types of site that could be suitable for waste development. **MM18** adds to the supporting text to provide an explanation of the rationale behind the categories of land included in the policy. This amendment is necessary to ensure that the policy is justified.
47. **MM19** alters the term 'waste water treatment facilities' to 'water recycling centres'. The latter is the term used by Anglian Water and more accurately describes the facilities. This change ensures the terminology is up-to-date and accurate and is necessary for effectiveness.
48. It is necessary to exclude ancient woodland from sites that would be considered suitable for open air composting. **MM19** makes the necessary change to criterion (e) of the policy. This is necessary to ensure consistency with national policy.
49. Criterion (h) restricts the types of waste facility that could be provided at water recycling centres to composting and anaerobic digestion only. A wider range of facilities could however be acceptable. To ensure that the policy is effective, **MM19** makes this change.

Policy WP7: Anaerobic digestion

50. Policy WP7 provides for anaerobic digestion facilities. **MM20** adds further explanation of the advantages of such facilities in terms of co-location with sewage treatment facilities and this is necessary to ensure the effectiveness of the policy.

Policy WP8: Proposals for recycling or transfer of inert and construction, demolition and excavation waste

51. The first paragraph of Policy WP8 states that proposals for recycling or transfer of inert and C, D & E waste will be acceptable within the uses identified in Policy WP3. There is an inconsistency here as the latter policy states that waste management may be acceptable within the areas specified. It is also necessary for proposals to address the criteria of Policy GP4. **MM21** alters the text of the policy to ensure consistency. It also provides certainty in terms of specifying Use Classes for the land suitable for industrial or storage use given in the penultimate paragraph of the policy. These changes are necessary to ensure the policy is effective.

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

52. **MM22** alters the first sentence of Policy WP11 to make it clear that the policy concerns proposals for the disposal of inert waste by landfilling or land raising. This change is necessary to ensure that the policy is effective.

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

53. A similar change is made by **MM23**. This modification also requires progressive restoration consistent with Policy MP6 and is necessary for effectiveness.

Policy WP13: Mining or excavation of landfill waste

54. It is necessary to require progressive restoration in connection with mining or excavation of landfill waste. **MM24** makes this change which is necessary for effectiveness.

Policy WP14: Waste water treatment facilities

55. **MM25** changes the title of the policy to accord with that given elsewhere in the Plan and is necessary for effectiveness. The policy concerns new or extended facilities which are needed to improve water quality or reduce environmental impact. In addition to these requirements, facilities will be needed to meet wider growth needs. Water recycling centres can provide linkages with renewable energy generation. The modification adds further explanation to the policy in these respects. These changes are necessary to ensure that the policy is effective.

Policy WP16: Treatment and storage of radioactive waste at Sizewell nuclear power stations

56. The policy requires development to be consistent with national strategies for radioactive waste management. A new paragraph is inserted by **MM26** which provides details of the Nuclear Decommissioning Authority's (NDA) strategy. This is necessary to ensure the effectiveness of the policy in terms of providing full information.
57. The NDA's strategy is to use integrated transport systems that are functional, but one of the strategic principles is to use rail in preference to road where practicable. Criterion (e) of Policy WP16 which requires the existing rail link to Sizewell to be used unless this is demonstrated to be economically unviable is generally consistent with this national policy requirement. However, to allow for potential circumstances where other practical factors have to be considered, a change to the policy is needed. **MM27** is necessary to ensure consistency with national policy and effectiveness.

Policy WP17: Design of waste management facilities

58. Policy WP17(d) requires waste management facilities to protect, preserve and where practicable to enhance the natural and historic environment. The last part of the sentence refers to setting and built environment. This should also refer to

landscape to ensure consistency with national policy and effectiveness. **MM28** makes this change.

Policy WP18: Safeguarding of waste management sites

59. The penultimate paragraph of the policy concerns the 'agent of change' principle whereby new housing or other development that may be affected by existing waste operations would have to provide any necessary mitigation measures. **MM29** is necessary to provide more explanation and clarity and to ensure effectiveness in this respect.
60. The NPPW states that waste management should be considered alongside other spatial planning concerns such as housing and transport. The delivery of sustainable development is dependent on provision of adequate waste management infrastructure. It is important that transport infrastructure supports sustainable waste management. In this context Policy WP18 requires the safeguarding of waste management sites. The Policies Map and Safeguarding Maps show existing and proposed waste management facilities and the safeguarding zones around those facilities.
61. The policy would not interfere with the operation of the port as there are permitted development rights granted by the GPDO. It would restrict development of some port facilities for other purposes, but this would only come into play if port land were to be disposed of or if the port authority wished to develop a facility for which planning permission would be required. In such circumstances, the policy allows for alternative provision to be considered. The policy is justified and sound.
62. For the above reasons I conclude that a number of the submitted minerals and waste policies are not justified, effective or consistent with national policy and are unsound. The recommended MMs are necessary to make the Plan sound in these respects.

Issue 3: Whether the site allocations policies are positively prepared, consistent with national policy, justified and effective

Policy MS1: Barham

63. Clarity is needed regarding the visibility splay requirements. **MM30** inserts supporting text to paragraph 8.7 which makes clear that splays are to be provided where the access joins Sandy Lane and where Sandy Lane joins Norwich Road. **MM32** similarly alters the text of Policy MS1(a). These changes are necessary to ensure effectiveness.
64. Sandy Lane Pit Barham Site of Special Scientific Interest (SSSI) is designated for its geological interest. It is necessary for the policy to make clear that the exposed faces of the Sandy Lane Barham SSSI need to be maintained and access to them provided. **MM32** makes changes to criterion (d) and inserts a new criterion (e) and is necessary for effectiveness.
65. Paragraph 8.9 states that there is a grade I listed church about 350m away from the site and a Registered Park and Garden about 250m away. There is no criterion within the policy requiring impact upon the settings of these heritage

assets to be assessed. **MM32** adds a criterion and is necessary to ensure consistency with national policy. Paragraph 8.9 states that there is considered to be no impact upon the setting of these assets, but a full assessment in this regard would be needed with any planning application. **MM31** deletes the last sentence of paragraph 8.9 and is necessary for consistency with national policy.

Policy MS2: Barnham

66. Criteria (c), (d), (e) and (f) of Policy MS2 cover the provision of an off-road haul route and use of a stockpiling area at Contract Farm, as originally proposed by the site operator. Shortly before the hearing sessions, the operator suggested an alternative means of access to and from Elveden Road. The Council indicated that this could potentially be acceptable, but consideration of this would require detailed assessment. As there is potentially an alternative access arrangement, the above criteria would not be effective. Criterion (c) should be amended to allow for an alternative suitable means of access. It is also necessary to adjust the wording of criteria (d), (e) and (f) to allow for this. **MM33** makes these changes which are necessary to ensure the policy is justified and effective.
67. Criterion (g) requires phased working and restoration that is sympathetic to the landscape. The site is within the Breckland Special Protection Area (SPA). In order to ensure consistency with national policy **MM33** adds a requirement to consider the SPA in this regard. The policy requires mitigation measures in paragraph (j).
68. In addition to the Barnham Atomic Bomb Store there are associated listed buildings. Criterion (i) only requires measures to safeguard and enhance the setting of the scheduled monument, but the settings of the listed buildings should also be included in this context. **MM33** makes such a change which is necessary for effectiveness and to ensure consistency with national policy.
69. While I note Historic England's objection to this allocation, the scheduled monument, grade II* and grade II listed buildings would be separated from the site by Elveden Road and intervening land. Mitigation measures could reduce any impact on the setting of these heritage assets. There is no evidence before me that the working of minerals on the site would result in substantial harm to their setting. Allocation would be in accordance with national policy which allows for less than substantial harm to be weighed against public benefits.
70. The policy requires potential impacts upon designated habitats to be adequately addressed. In the case of international sites, it is a legislative requirement that a Habitats Regulations Assessment is carried out. It is also a requirement of the Framework to provide net gains in biodiversity where possible. **MM33** adds wording to strengthen the policy in these respects. This is necessary for effectiveness and consistency with national policy. The requirement for assessment of impacts upon nature conservation interests is consistent with national policy and effective, but there is no need for the requirements of applicable legislation to be stated in the policy.
71. The Habitats Regulations Assessment (HRA) states that, after the first phase of restoration to the existing quarry, high quality stone-curlew habitat is to be

created and there would no longer be a need for seasonal working, as required by criterion (a) of the policy. This would be a matter for a future review of the plan.

72. Criterion (k) as submitted requires an air quality assessment including measures to minimise risk of pollution at residential properties. This should also ensure risk of pollution is minimised with respect to the SPA. The HRA states that risk to the Breckland Special Area of Conservation (SAC) should also be considered, because the SAC is more sensitive to dust and air pollution impacts than the SPA. I have amended **MM33** to make reference to this. The amended modification is necessary for effectiveness and consistency with national policy.
73. Given that there are potentially alternative means of access to the site, routing of Heavy Goods Vehicles (HGV) may require control in the interest of highway safety and to avoid unacceptable disturbance to local occupiers. **MM33** requires a traffic management plan and this provision ensures that the policy is justified and effective.

Policy MS3: Belstead

74. Policy MS3(c) requires mitigation of impact on the setting of the listed Bentley Old Hall. There are other listed buildings in the area whose settings may also be affected. A modification is necessary to ensure that all heritage assets are considered, for consistency with national policy. **MM34** provides for this.

Policy MS4: Cavenham

75. It is necessary to require phased restoration of the quarry appropriate to the SPA as well as the Brecks Landscape. **MM35** makes this change to part (b) which is necessary for effectiveness. It is necessary to require a HRA in order to ensure the policy is effective in terms of legislative requirements. The modification also requires a net biodiversity gain in order to be consistent with the Framework.
76. **MM35** also alters part (f) to ensure that the requisite air quality assessment is undertaken to minimise risk to the SPA. The HRA recommends a further modification to Policy MS4(f) to make reference to the Breckland SAC. I have amended **MM35** to include reference to this. The requirement for assessment of impacts upon nature conservation interests is consistent with national policy and effective, taking into account the legislative requirements that apply.
77. The allocation includes an area for inert waste recycling which would be larger than the existing facility. It is necessary to require the provision of the enlarged facility to facilitate the sustainable use of inert waste. **MM35** also makes this change which is necessary to ensure effectiveness and consistency with national policy.

Policy MS6: Tattingstone

78. Natural England has approved a variation to the boundary of the Suffolk Coast and Heaths AONB. At the time of writing this report the variation Order had yet to be confirmed by the Secretary of State. If confirmed, the AONB will be to the south of Stutton Lane and on land at Folly Farm to the south of the existing and proposed quarry sites.

79. The proposed site would be likely to fall within the setting of the extended AONB but there are existing landscape features including hedgerows that provide some visual screening. The policy requires the provision of a comprehensive scheme of screening and bunding. Detailed assessment of impact upon the AONB would be a matter to be considered under a planning application. I consider that the policy makes adequate provision to justify the allocation of the site consistent with national policy.
80. There is inconsistency between the policy and the supporting text over the requirements in respect of Footpath 37 and Bridleway 37A which run between the existing and proposed sites. **MM36** and **MM37** clarify the requirements and are necessary for effectiveness.
81. The development could potentially affect the Stour and Orwell SPA and paragraph (d) of the policy should include reference to this. **MM37** ensures the policy is consistent with national policy and effective in this respect.

Policy MS7: Wangford

82. The site is within the Suffolk Coast and Heaths AONB. The Framework states that great weight should be given to conserving landscape and scenic beauty in AONB, which have the highest status of protection. The Framework states that permission should be refused for major developments in these areas except in exceptional circumstances. Considerations as to whether there would be exceptional circumstances are set out in paragraph 116 of the Framework.
83. The aggregate material at Wangford includes a significant element of coarse gravel at 60% which is an important component in the manufacture of concrete and concrete products. Sand and gravel occur throughout East Anglia, but most reserves have a high sand content and coarse gravel is less common. From the latest figures provided by the Council and the operator, gravel accounts for 34% of sales in Suffolk. This proportion is greater than the proportion of gravel in the sites in the submitted Plan at 31%.
84. The LAA assesses the supply of aggregates to Suffolk which, in addition to indigenous land won sand and gravel includes imported sand and gravel as well as crushed rock, C,D&E waste and marine-dredged aggregates. While the LAA notes that there is a shortage of stone and that most stone-rich deposits are constrained by the highest order of statutory landscape and ecological designations, it does not identify a specific supply requirement for this material.
85. The operator advises that the existing Wangford Quarry will be likely to close by the end of 2020 and that Flixton Quarry is likely to close by 2024. The Council calculates that non-allocation of the site would reduce the proportion of land won gravel in Suffolk to 26% of the supply, indicating that there would be greater reliance on imported gravel. The site has clear potential to supply markets in Norwich and Ipswich, but those markets could also be supplied from elsewhere, particularly in Norfolk or Essex. The 2017 LAA² states that Suffolk imports and exports sand and gravel. Many of Suffolk's aggregate resources are close to

² Using 2014 and 2015 data

county boundaries and some of the larger settlements are located on the periphery of the county. In 2014, 50-60% of the sand and gravel consumed in Suffolk was produced in Suffolk. On this basis there would be scope for compensating for non-allocation of the Wangford site from imports or from greater use of material that would otherwise be exported. Infrastructure projects are planned but historically such projects in Suffolk have relied on imported crushed rock rather than indigenous aggregates.

86. Other quarries in Suffolk could potentially increase their levels of production in order to provide coarse aggregate. However, given that such increases would have implications for the economic viability of those quarries, such increases in production levels may be likely to be limited.
87. Increased importation would have implications for carbon emissions from road transport, but the overall picture is more complex as material that would otherwise be exported could potentially be diverted to use in Suffolk. It has not been demonstrated that non-allocation would necessarily result in more carbon emissions. In any case the overall consideration of sustainability also includes environmental factors including the protected landscape.
88. Paragraph 145 of the Framework requires that landbanks of at least 7 years are maintained, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. The coarse aggregate produced at the existing quarry has particular applications, such as in drainage systems. While the material produced contributes to the range of materials supplied locally, it is not of a type or quality that has necessitated the identification of a separate landbank.
89. The LAA states in section 1 that allocated sites in the submitted Plan would provide for about 31% more sand and gravel than is needed. On the basis that the allocated sites would provide for 12.18Mt to be worked within the Plan period, omission of the site would still provide for 11.18Mt, significantly more than the 9.3Mt required. The latest data for 2018 indicates that there would be 11.7Mt without allocation of Wangford. I have taken into account the recent increase in annual sales, which post-dates the LAA, but I conclude that allocation of the site is not necessary to meet the identified need for sand and gravel.
90. If coarse aggregate were to be considered in isolation, the operator estimates that there would be almost an 18-year supply within the county, up to the end of the Plan period, without any safety margin. For the reasons given above, however I am satisfied that the Plan would provide for a steady and adequate supply of aggregates without the need to allocate the site at Wangford.
91. For these reasons, I am not persuaded that there is any special need for the material that would amount to the exceptional circumstances required to be demonstrated by paragraph 116 of the Framework.
92. In addition to my finding on the need for the development, the proposal would be harmful to the landscape. Following the working, the landform would be altered, and this would not be consistent with national policy in terms of conservation of the landscape. If the site were to be allocated detailed restoration guidelines could potentially be included in the Plan. However, the harm to the protected landscape during the period of working would not be consistent with national policy. Any proposed enhancements to biodiversity would not compensate for this because of the importance of the AONB designation.

93. I have taken into account the implications for the local economy from non-allocation, including in terms of supplies to concrete plants and other customers and potential increases in costs. I also acknowledge the benefits to the local economy through provision of employment and spending locally. However, allocation of the site is not justified in terms of need and it is likely that any development would be inconsistent with national planning policy. For these reasons Policy MS7 would not be sound and **MM38** is necessary to delete this policy and the associated chapter.

Policy MS8: Wetherden

94. There is a public right of way between the existing site and the proposed extension, which would need to be diverted. Paragraph (g) requires impacts upon the right of way to be mitigated but does not require diversion. **MM39** makes the requirement clear and is necessary for effectiveness.

95. It is intended to use the existing access to and from the U4977 which is identified as a Local Access Lorry Route. This provides access to and from the A14 which is in close proximity but would entail HGVs travelling through the village of Haughley New Street. In order to control HGV movements a traffic management plan would be required. **MM39** introduces this requirement which is necessary to justify the allocation and for effectiveness.

96. The area shown on the map for the proposed extension requires amendment to accurately show the site that is intended to be developed. This geographical illustration of the policy on the Policies Map is needed to ensure the policy is effective.

Policy MS9: Wherstead

97. The policy requires assessment of potential impacts upon nationally and locally designated habitats and protected species. The first part of **MM40** includes wording reflecting the terms of paragraph 118 of the Framework. The modification also ensures that the requirement to assess implications for the Ground Water Source Protection Zone is included in paragraph (g), which is concerned with impact on ground water rather than paragraph (c) which concerns impact on nature conservation interest. Considered overall, the modification is necessary for effectiveness and consistency with national policy.

Policy MS10: Worlington

98. The policy requires assessment of potential impacts upon designated habitats but does not include reference to the Red Lodge Heath SSSI. **MM41** is necessary to ensure effectiveness.

99. The modification also moves the requirement to assess implications for the Ground Water Source Protection Zone from paragraph (c) (nature conservation) to paragraph (e) (groundwater) to ensure the policy is clear and effective.

Policy WS1: Sizewell A Nuclear Power Station

100. Paragraph 19.18 provides information on the flood risk of the site. The Lead Local Flood Authority has provided updated advice to the effect that the site is not at risk of flooding. The inclusion of this paragraph and paragraph (f) of the policy are not justified. **MM42** deletes the paragraph and **MM43** removes the flood risk requirement from the policy.
101. The policy is intended to allow for proposals for management of waste arising from the decommissioning of Sizewell A as well as waste from sister stations. **MM43** adds text to the policy to make this clear and is necessary to ensure the policy is effective. The policy is consistent with the Framework which requires that development in the AONB is exceptional. This modification is necessary to ensure the policy is effective and consistent with national policy.
102. In addition to the habitats listed in paragraph (b) of the policy, the Minsmere-Walberswick SPA/Ramsar and the Sandlings SPA could potentially be affected. The HRA, in Appendix 2 recommends that 'Minsmere-Walberswick Heaths and Marshes SAC' is added to the list of designated sites. I have made this amendment to **MM43**. The amended modification is necessary to ensure the policy is effective.
103. The site is within the Suffolk Coast and Heaths AONB and the Suffolk Heritage Coast. **MM43** adds text to part (c) of the policy to ensure the requirements of national policy are met as well as an assessment of impact upon the landscape. It also inserts a new criterion that requires mitigation of landscape and visual impacts and reinstatement which is in keeping with the local landscape character. This is consistent with the requirement of paragraph 116 of the Framework which requires an assessment of any detrimental effect on the landscape and the extent to which that could be moderated. The changes in **MM43** are necessary for effectiveness and to ensure consistency with national policy.

Glossary

104. Finally, **MM44** substitutes 'water recycling centres' for waste water treatment facilities' to ensure consistency and effectiveness.
105. I have found that a number of the site allocations policies are unsound in that they are not justified, effective or in accordance with national policy. The recommended MMs are necessary to make the Plan sound in these respects.

Public Sector Equality Duty

106. I have had regard to the Public Sector Equality Duty under S149 of the Equality Act 2010 in undertaking the examination. The spatial strategy and general environmental criteria ensure that minerals and waste development would support the development of existing centres of population and would safeguard living conditions for all groups. The Plan is fully consistent with the duty under the Act.

Assessment of Legal Compliance

107. My examination of the legal compliance of the Plan is summarised below.

108. The Plan has been prepared in accordance with the Council's Minerals and Waste Development Scheme (October 2018).
109. Consultation on the SA Scoping and Local Plan preparation has been carried out in compliance with the Council's Minerals and Waste Statement of Community Involvement (November 2015).
110. I have examined the Plan for consistency with national policy and have tested it for soundness against the tests set out in the Framework. Subject to the MMs the Plan is in accordance with national policy.
111. SA has been carried out in respect of the submitted Plan and the MMs and is adequate.
112. A HRA, which includes an Appropriate Assessment (AA) has been carried out for the submitted Plan and the MMs. The HRA concludes that the proposed allocations for mineral extraction at Barnham, Cavenham and Wangford would be likely to have a significant effect on European sites. Notwithstanding my recommendation that Policy MS7 (Wangford) be deleted, the AA concludes that the Plan, including the mitigation embedded in it, would have no adverse impact upon the integrity of any European site either alone or in combination with any other plan or project.
113. Policy GP2 requires proposals to minimise their potential contribution to climate change through reducing emissions, through design to achieve energy and water efficiency and adaptability to future climatic conditions. This and the other policies of the Plan are designed to secure that minerals and waste development contributes to the mitigation of, and adaptation to, climate change.
114. The Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

115. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
116. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendix the Suffolk Minerals & Waste Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Nick Palmer
Inspector

This report is accompanied by an Appendix containing the Main Modifications.

