

Suffolk County Council: Minerals and Waste Plan: Issues and Options Consultation November 2016.

Representation on behalf of the **Mineral Products Association (MPA).**

Contact:

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Question 1: Chapter 4 Vision - Do you agree or disagree with the proposed wording of the Vision?

Comment:

We agree with the principle of the vision but suggest change in wording to make clear to the lay reader that there is a statutory duty on Suffolk CC re the supply of aggregates. Suggested wording below;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

Draft Suffolk Minerals and Waste Local Plan Vision 2036

*“Suffolk will continue to meet its **statutory** obligation **as required by National Policy** for the supply of aggregates and the management of waste in an environmentally sustainable manner.*

Minerals and waste management sites will be required to be located sensitively and appropriately, and operated to high standards, so that they do not harm the environment or endanger human health or impact adversely on local amenity.

Temporary minerals and waste management sites will be restored to a quality and to a state conducive to an appropriate after-use such as agriculture, forestry, ecology, geomorphological interest or recreation.”

Question 2: Chapter 4 Aims and Objectives- Do you agree or disagree with the proposed wording of the Aims and Objectives?

Comment:

Aim 2, Objective 5 contains some topics that stray outside of a planning remit and into operational concerns that might conflict with the requirements of other legislation, e.g. health and safety, which would be contrary to national policy which is to avoid potential overlap between regulatory regimes. The wording needs reviewing.

Aim 3, Objective 9 could be reworded to make it clearer and more explicit as follows;

Proposed Changes (deletions in ~~strikethrough~~; new text in **bold**)

Objective 9: *identifying all **existing and potential** minerals and waste development including rail depots, ~~and port facilities,~~ **and added value plant sites e.g. concrete batching, coated stone and aggregate recycling** that require safeguarding from other forms of development, **directly or by proximity**, and providing an ~~accompanying~~ **appropriate safeguarding** policy.*

Aim 3, Objective 10 could be reworded to make it clearer and more explicit as follows;

Proposed Changes (deletions in ~~strikethrough~~; new text in **bold**)

Objective 10: *providing minerals safeguarding plan showing those sand and gravel resources which require safeguarding from other forms of development, **directly or by proximity**, and an ~~accompanying~~ **appropriate safeguarding** policy.*

Question 3: Chapter 5 Presumption in favour of sustainable development policy - Do you agree or disagree with the proposed wording of the Draft Policy?

Comment:

We are pleased to see that in the supporting text to the draft policy equal weight is given to the economic pillar of sustainable development which is often ignored and consideration is only given to the social and environmental pillars. This needs to be reflected in any policy.

Question 4: Chapter 6 Minerals supply - Do you agree or disagree that the provision for sand and gravel should be based upon an average of 10 years' sand and gravel sales between 2006 and 2016 with a base date of 31 December 16?

Comment:

We do not agree with the statement in paragraph 6.11. Where is the evidence to support the statement that if in the event of construction levels increasing in Suffolk that this will be satisfied by increased efficiency in the use of aggregates and/or the increased use of imported crushed rock and recycled materials?

It is accepted that the National Guidelines are out of date and that this makes it a challenge for mineral planning authorities when producing new plans. While the NPPF indicates that 10 year sales average should be looked at in assessing demand, the 10 years up to 2016 (the end date proposed by Suffolk) saw a deep recession. Notwithstanding the above there is a requirement for Suffolk to maintain at least a 7 year landbank.

If the 10 year average is to be used then a clear statement needs to be made about the review of the plan as required by PPG (Local Plans) para 008 which states that Local Plans will require reviewing in whole or part at least every five years. In addition it needs to be made clear that the aggregate provision will be kept under review through the LAA process also taking into account the last 3 years aggregate sales as required by the NPPF. There also needs to be a commitment to have at least a seven year landbank at the end of the plan period.

Local factors that need to be taken into consideration are housing and commercial new build as well as highway and infrastructure proposals. In addition any mothballing of quarries needs to be considered as this could have impacted the demand figures if the supply has been made up from imports.

Question 5: Chapter 7, former Minerals Core Strategy Policy 1 - Do you agree or disagree with the proposed amendments to former Policy 1?

Comment:

See comments on question 4

Question 6: Chapter 7, former Minerals Core Strategy Policy 2 (Location of sites within Suffolk) - Do you agree or disagree with the proposed deletion of former Policy 2?

Comment:

No comment

Question 7: Chapter 7, former Minerals Core Strategy Policy 3 (Cumulative environmental impacts and phasing of mineral workings) - Do you agree or disagree with the proposed retention of former Policy 3?

Comment:

Disagree. Cumulative impact would be a matter for a screening/scoping exercise as part of the EIA process. Policies should not be in place that deals with matters already covered by legislation.

Question 8: Chapter 7, former Minerals Core Strategy Policy 4 (Recycled aggregates) - Do you agree or disagree with the proposed retention of former Policy 4?

Comment:

The MPA agrees with the principle of former policy 4.

Question 9: Chapter 7, former Minerals Core Strategy Policy 5 (Safeguarding mineral resources) - Do you agree or disagree with the proposed deletion of clause of A) of former Policy 5?

Comment:

The MPA strongly disagrees with the proposal to remove clause A of former Policy. In essence Suffolk CC is proposing to ignore its responsibilities on this matter required by the NPPF.

Paragraph 143 of the NPPF requires Local Planning Authorities to define Minerals Safeguarding Areas (MSA) and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas (MSC) based on these MSAs. It is about protecting mineral resources for future use beyond the Plan period and not just protecting mineral resources in the present.

Paragraph 144 of the NPPF requires that when determining planning applications, local planning authorities should, amongst other matters, *not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes*”.

The NPPG (Paragraph: 005 Reference ID: 27-005-20140306) identifies the role of the district council, as the local planning authority, in safeguarding minerals. This is qualified in 3 ways:

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District councils should show Mineral Safeguarding Areas on their policy maps;
- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.

Paragraph 006 Reference ID: 27-006-20140306 of the NPPG, also emphasizes the requirement for close co-operation between district and county authorities. If the County Council does not fulfil its responsibilities in identify safeguarding areas for minerals then the District Councils will struggle to meet their safeguarding obligations.

Advice for Local Planning Authorities on the appropriate approach to be taken in developing MSAs and MCAs may be found in the British Geological Survey Publication entitled “Mineral Safeguarding in England: Good Practice Advice” (reference OR/11/046)

.Question 10: Chapter 7, former Minerals Core Strategy Policy 6 (Safeguarding of port and rail facilities) - Do you agree or disagree with the proposed retention of and additions to former Policy 6?

Comment:

The MPA agree that the principle of the policy should be maintained but the wording of the policy needs to be more explicit than the current policy. The safeguarding of ancillary/added value operations need to be dealt with as well. It is suggested that two policies are required as follows;

Policy; Minerals ancillary infrastructure safeguarding

Minerals ancillary infrastructure sites identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless:

- i) The need for the alternative development outweighs the benefits of retaining the site; and**
- ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or**
- iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.**

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.

Policy : Transport infrastructure safeguarding

Railheads, rail links and wharves identified on the Policies Map, with a 250m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:

- i) The need for the alternative development outweighs the benefits of retaining the facility; and**
- ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or**
- iii) The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.**

Where development, other than exempt development as defined

in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.

The suggested Safeguarding Exemption Criteria list is as follows;

- *Infilling in an otherwise built up frontage within a settlement*
- *Householder applications within the curtilage of a property*
- *Advertisement applications*
- *Reserved matters applications*
- *Applications for new or improved accesses*
- *Minor' extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building 'Temporary' development (for up to five years)*
- *Agricultural buildings adjacent to existing farmsteads*
- *'Minor' works such as fences, bus shelters, gates, walls, accesses.*
- *Amendments to current permissions (with no additional land take involved)*
- *Changes of use*
- *Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements*
- *Listed Building Consent and applications for planning permission for demolition in a conservation area*
- *Applications for work on trees or removal of hedgerows*
- *Prior notifications for telecommunications, forestry, agriculture and demolition*
- *Redevelopment of previously developed land not increasing the footprint of the former development*
- *Certificates of Lawfulness of Existing Use of Development and*
- *Certificates of Lawfulness of Proposed Use or Development*

Question 11: Chapter 7, former Minerals Core Strategy Policy 7 (Borrow Pits)- Do you agree or disagree the proposed retention of former Policy 7?

Comment:

The MPA agrees that a policy should be in the new plan that deals with borrow pits. While recognising the sustainability advantages of borrow pits providing mineral to adjacent engineering projects it is important that there is a level playing field for traditional existing and allocated quarries. As such it is felt that the policy needs redrafting and suggested wording is set out below:

Policy: Sand and Gravel Borrowpits

The supply of sand and gravel will be drawn from existing or allocated sites. Sand and gravel borrowpits will only be considered where it is demonstrated that:

- a. geographically they are well related to the project they will serve**
- b. the quantity and timescale for the supply of sand and gravel may not pose problems of supply from existing quarries, or prejudice the steady supply of construction material for the local market**
- c. an unacceptable level of mineral traffic, and / or movements of unsuitable material arising from the scheme, will be removed from the public highway and / or from passing through local communities**
- d. the site will be restored within the same timescale as the project to which it relates, and that restoration can be achieved to an approved scheme in the event that it is only part worked**
- e. there will be no importation of materials other than from the project itself unless required to achieve beneficial restoration as set out in an approved scheme.**

Question 12: Chapter 7, former Minerals Core Strategy Policy 8 (Transport) - Do you agree or disagree with the proposed deletion of former Policies 8, DC1, DC2, DC3, DC5 and DC6 and their incorporation into a general issues policy?

Comment:

The MPA agree in principle that the above policies should be replaced with a general issues policy .This agreement is subject to seeing the proposed wording.

Question 13: Chapter 7, former Minerals Core Strategy Policy DC4 (Agricultural and public supply reservoirs) - Do you agree or disagree

with the proposed retention of and additional wording to former Policy DC4?

Comment:

The MPA agree that there should be a policy that deals with agricultural reservoirs where there is to be incidental mineral won. While recognising the importance of water to the agricultural sector particularly in the East of England, it is important that such developments are based on proven agricultural need. As such the below policy is suggested;

Policy: Agricultural Reservoirs, Potable Water Reservoirs and Incidental Mineral Extraction

Proposals for new or extensions to existing agricultural reservoirs, potable water reservoirs, or development involving the incidental extraction and off site removal of mineral, will only be permitted where it can be demonstrated:

- a. there is a proven need for the proposal***
- b. that any mineral extracted will be used in a sustainable manner***
- c. where the proposal relates to a reservoir, the design minimises its surface area by maximising its depth***
- d. the minimum amount of mineral is to be extracted consistent with the purpose of the development***
- e. the phasing and duration of development proposed adequately reflects the importance of the early delivery of water resources or other approved development***

The determination of planning applications will have regard to the objectives and policies in this Plan.

Question 14: Chapter 7, former Minerals Core Strategy Policy DC7 (Reclamation, restoration, and after-use) - Do you agree or disagree with the proposed retention of and additional wording to former Policy DC7?

Comment:

Agree that agricultural, forestry, and amenity should be included as acceptable forms of restoration. Concerned that any policy on restoration should be too prescriptive as it will depend on the location of the site. Restorations proposals should be considered on a site by

site basis and on their own merits.

Question 15: Chapter 7, former Minerals Core Strategy Policy DC8 (Progressive working and restoration) -Do you agree or disagree with the proposed retention of and additional wording to former Policy DC8?

Comment:

Agree.

Question 16: Chapter 7, former Minerals Specific Sites Allocations Policy MSSA1 (Proposed sites) - Do you agree or disagree with the proposed retention of former Policy MSSA1?

Comment:

It is agreed that a policy is required, linked to a clear proposals map, identifying specific sites.

Question 17: Chapter 8, Call for sand and gravel sites - Do you agree or disagree with the proposed requirements?

Comment:

Disagree with the proposed requirements .In particular the requirements set out in paragraph 8.3 are excessive at this stage of site selection and unlikely to be known this early in the development stage.

Question 18: Chapter 8, Call for sand and gravel sites (or other minerals)

Are you the promoter of a potential sand and gravel site that you wish to have included in the new Plan? No

Are you the promoter of a potential site containing other minerals that you wish to have included in the new Plan? No

Do you have any further comments? No comment

Question 19: Chapter 9, Existing undeveloped minerals allocations - Do you agree or disagree with the proposed requirements?

Comment:

No comment.

Question 20: Chapter 9, Existing undeveloped minerals allocations

Are you the promoter of an existing undeveloped sand and gravel site that you wish to have included in the new Plan? No

Are you the promoter of an existing undeveloped sand and gravel site that you do not wish to have included in the new Plan? No

Do you have any further comments? No comment

Question 21: Chapter 10, Sand, and gravel site selection criteria - Do you agree or disagree with the proposed requirements?

Comment:

The site selection criteria are too prescriptive and exceed the requirements of the NPPF in some cases.

Where the statement is made that there *should be no potentially significant detrimental impacts/harm* on landscape, cultural heritage, ecology or public amenity the words **permanent and** should be inserted between the words and *potentially* and *significant*.

What consideration will be given in the selection process as to whether any sites could be made acceptable by the application of conditions?

On the matter of landscape the designations covered in the criteria are considered under paragraphs 115 and 116 of NPPF where the '*major development test*' is set out. It is not appropriate for Suffolk CC to dismiss sites in such areas without taking on board the checks and balances set out in paragraph 116 of the NPPF.

In respect of ecology the NPPF at paragraph 113 makes it clear that;

Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to the wider ecological networks.

The selection criteria in respect of ecology make no such distinction.

Question 22: Chapter 11, New minerals sites allocations - Do you agree or disagree with the proposed requirements regarding the submission of geological criteria?

Comment:

It is not unreasonable that geological information should be provided to support a site allocation.

M E North

18 January 2017.