

## Part B – Please use a separate sheet for each representation

### 3. To which part of the Local Plan does this representation relate?

Paragraph

See text

Policy

Policies Map

### 4. Do you consider the Local Plan is:

Please tick as appropriate

4 (i) Legally Compliant

Yes

☐

No

☒

4 (ii) Sound\*

Yes

☐

No

☒

4 (iii) Complies with the Duty to co-operate

Yes

☐

No

☒

\*If you have entered No to 4 (ii), please continue to 5. In all other circumstances, please go to question 6.

### 5. Do you consider the Local Plan is unsound because it is not...:

(i) Justified

☐

(ii) Effective

☒

(iii) Positively prepared

☒

(iv) Consistent with National Policy

☒

**6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate.** Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments

ALL Comments are directed to the Silica Sand Site Selection Process

C. SILICA SAND SAFEGUARDING PROGRAMME.

SEE ATTACHED.

(Continue on a separate sheet if necessary)

## Silica Sand Safeguarding Programme – A

1. Silica sand mineral deposits in Norfolk are confined to a narrow linear band lying close to the eastern side of Kings Lynn and oriented in a north-south direction. The resource has been protected from the uncontrolled imposition of other developments by the Norfolk Safeguarding programme for silica sand (and carstone) as represented by the Safeguarding Map. All developments proposed to the Kings Lynn and West Norfolk Borough Council and adjacent District Councils within this area have to be permitted by the County Council. One potential problem is in the absence of democratic control of this process. It is administered by N.C.C. Minerals and Waste officers, although the map is published electronically. Public familiarity with the safeguarding map is uncommon and, as only one area of the County is involved, it should probably be more actively promoted, certainly among parish councils. It was a considerable surprise to the great majority of users of Shouldham Warren (AOS E) and West Bilney Wood (AOS D) when these sites were proposed for silica sand extraction. The failure to involve the public is not a 'sound' policy.
2. Presumably at the development of the silica sand safeguarding map (around 2004), it was decided that the two sites were unsuitable for consideration as open-cast mines because of their long history as important sites of public recreation. Both wooded areas were omitted from the map, leaving two lacunae within the otherwise homogeneous safeguarded area. There was no relevant N.C.C. comment in NMWLP documents when both were incorporated in suggested silica sand extraction AOS in both the Initial and Preferred Options consultations; in neither did this fact appear to play any role in the decision-making. Their prior long-term existence as heavily used public recreation areas also was not mentioned in any of the curated development documents.

The Mineral Consulting Area (MCA) in Norfolk is defined in Policy MP11 as the Mineral Safeguarding Area (MSA). An additional 250m safeguarded buffer is established around all permitted and active silica sand extraction sites, providing a buffer that might contain extensions of deposits and to prevent future non-minerals development that might prevent access.

Safeguarding retains the flexibility to identify areas which have the least impact on the environment. There is no presumption that any areas within an MSA will ultimately be acceptable for mineral extraction. Defining the MSA in strategic terms, ensures that known mineral resources are optimally considered in land-use planning decisions. MCAs are principally defined as tools to ensure that mineral resources are considered at the district level by consultation with the county MHAs.

How two sites that were not within the MSA/MCA because of high-level public usage were then proposed as part of two of the most significant AOS is not explained. It is significant that both were selected by Sibelco UK who were clearly unconcerned by their public nature and by the several other confounding factors involved. This clearly was 'unsound,' 'unjustified,' 'not evidence-led,' and inconsistent with national policy.'

3. The DEFRA document, A Guide to Mineral Safeguarding in England, published in 2007, is a useful explanatory text. Under Part 1, it states, "*Key stakeholders, including communities, should be informed at the outset and kept informed During the process of creating an effective system.*" It does not appear that this ever occurred with the four village communities adjacent to Shouldham Warren, or with the wider user community. During the long gestation period of the NMWLP, there is no evidence of any intention to protect Shouldham Warren in the cumulative documents, and there was little direct communication on this matter with local government.
4. The MCA/ MSA should be defined with the best available data. It is not clear whether new data from Sibelco UK is incorporated into the map. It is known that Sibelco has been conducting extensive bore hole investigations over a wide area during the last two years. Is a map update due, or is this information retained within the company? This is a relevant issue, as collaboration is supposed to suffuse the process. "*Any modification by a mineral planning authority (MPA) to the BGS mineral resource outlines, such as decisions not to include a particular resource, or reduce or extend a resource boundary, will need to be based on robust and credible evidence to withstand the scrutiny of a public examination.*"

Ultimately selecting an extraction site is a dynamic process that takes into account a range of factors defined in the Plan DPD. Mineral-specific factors include the quality, thickness and extent of the deposits, as well as its variability and situation. The presence of an MSA does not necessarily preclude all development within these areas, although the current abandonment by N.C.C. of all AOS in the Preferred Options group might imply this to be the case. Whether more defined and fully investigated potential extraction sites might be a more effective strategy appears untried.

5. There is a conundrum in this Local Plan in that, at the death, N.C.C. announce that nothing can be achieved with the present national system, and that a simplified mechanism, with the direct referral by commercial mineral operators directly into the district planning procedures, where, incidentally, there is no guaranteed access for outstanding public interest concerns. Neither am I impressed that the NMWLP, 2022 has provided sufficient evidence for this conclusion. The solution proposed appears to be at odds with fundamental democratic principles elaborated by the National Planning Policy Framework. I



respectfully suggest that **the newly recommended approach to silica sand site selection is neither legally compliant or sound.**

6. The minerals planning processes are not fixed. The above mentioned **DEFRA Safeguarding Guidance** reports how Staffordshire County Council had adapted their procedures as of 15 years ago. Basically, this approach involved (i) BGS data were periodically revised to incorporate all mineral data as it accumulated primarily from industry; (ii) continual refinement of the MSA using Master Map (a very large data set) - including removal of uneconomic areas and addition of mineral buffers (250m for silica sand); (iii) introduced a schema to identify the granularity of (primarily) residences within the MSA by creating building clusters of buildings within 100m of each other with an additional 25m around the outermost buildings, and the infill of all interior polygons (as too small to be productive) and the removal of conurbations greater than 20 hectares in size as "urban areas." Communities divided by rivers had special treatment. *"Interior open spaces... such as golf courses, recreation grounds, (and) urban parks were included in the building clusters polygon"; in Norfolk, this would have removed Shouldham Warren and West Bilney Wood from contention.* The procedures are reviewed in the Guidance.

This is not to claim that the system could work in Norfolk. It is mentioned only to bring attention to different approaches that have been used elsewhere to accommodate community granularity and other factors. This is from 15 years ago, and it is a safe assumption that this and other approaches will have improved utility in the interim, and possibly incorporating additional factors - as a possible alternative to "declaring victory from defeat and going home." However initially extraction sites are defined, they will need to be refined in discussion with industry and other stakeholders. Sustainable development remains the strategic objective. There is an ironic component in the failure to protect public recreational sites, as it is the widespread historical pattern of sand mining in West Norfolk that has caused the acute shortage of rural sites, such as Shouldham Warren and East Bilney Wood, for personal and institutional public recreation. A failure to explore realistic alternatives in a 13-year journey might be considered an 'unsound' approach. **To accept a market failure without a comprehensive analysis of opportunities and practices is an unsound proposition.**

**7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above.** (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

*(Continue on a separate sheet if necessary)*

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will only be at the request of the inspector, based on the matters and issues he/she identifies for examination.**

## Silica Sand Safeguarding Programme – B

1. The Norfolk Silica Sand Safeguarding map should be published annually to the village and town councils within West Norfolk and within a 15-mile radius of the Silica Sand and Carstone Mineral Safeguarding Area, as well as the respective District Councils. Any submission of an application to mine silica sand or carstone should result in immediate notification to all councils within a 10-mile radius. of the site, including transportation routes. One suggestion is **to reverse the general ignorance of mineral safeguarding as regards this rare and strategically important mineral amongst parish/town councils, and taking the opportunity to educate the public.** Otherwise, proposed licenses for mineral extraction are (often inadequately) released to an uninformed and unprepared population.
2. The attempt to avoid public accountability by the Mineral Planning Authority in proposing areas of long-term public recreational land-use for an AOS, without comment, when they had already been excluded from the MSA was an invalid act that was **contrary to the rules related to open access land and irreplaceable landforms.** Shouldham Warren (AOS E) and West Bilney Woods (AOS D) presented unique qualities for regional public recreation and a highly-valued landscape that could not be substituted from elsewhere - owing to the systematic loss of equivalent land over several centuries of sand mining in a limited mineral area. N.C.C. declined to discuss the issues in contravention of the NPPF. A confirmation of the 'permanent' removal of these two sites from the silica sand safeguarding map (and consideration) is sought. **It is requested that the entire set of both consultee consultations and public "comments" that were submitted for both AOS E (including Shouldham Warren) and AOS D (including East Bilney Wood) be retained for at least 25 years,** instead of the 4 years sanctioned by the NMWLP process, as they represent massive public and private involvement that has not been answered by the county authority. It is not lost on the public that the suggested **"criteria-based policy may encourage the return of extraction site**



**applications involving these sites, but in the District Council planning process where some issues, such as public land-use, may be more difficult to affect owing to an absence of standing.**

3. I wish to make a general comment. As I understand it, for both silica sand safeguarding and the selection of acceptable extraction sites to work optimally, there is a requirement for good cooperation between the Mineral Planning Authority and Sibelco UK and other mineral operators. By the (unsuccessful) promotion of a series of AOS's close to RAF Marham, within the medieval monastical landscape, and in the protected River Nar valley, it seems as if lessons have not been learned. Similarly, the silica sand safeguarding program appears to have been partially dysfunctional. On the face of it, new minerals data appears not to have been shared as they appear to have played no role. And finally, why has there been such a negative conclusion made about a national minerals planning regime? Cannot it be put back on the rails without just kicking it downstairs?' I don't know the national picture, and none is quoted in the Plan documents. In this regard, it is difficult to propose realistic solutions, other than perhaps **an exploratory committee with a number of independent contributors, including public representatives, to identify a structure which is more likely to work, and which is consistent with the NPPF.** It should not be impossible to identify seriously mitigated sites within the silica sand MPA. Forgive my incoherence.

4. Is the Norfolk Silica Sand Safeguarding programme working? **The principle of protecting the resource is successful, but is it facilitating the identification of practical silica sand mining sites?** Might the conventional, unadapted map be improved by greater granularity? Is there a problem with how the map is being used - might there be a preoccupation with searching only in the traditional Leziate Beds, leaving the rest of the reserve underexploited? Or is it the time to revisit the residual productivity that can realistically be expected from the Norfolk silica sand reserve, as the N.C.C. MPA action perhaps implies?