



Norfolk Minerals and Waste Local Plan

Pre-Submission Document

Representations Period: 28 September to 19 December 2022

The Norfolk Minerals and Waste Local Plan has been published for representations to be made from 28 September to 19 December 2022, prior to submission of the document to the Secretary of State. Representations which are duly made will be submitted alongside the published Minerals and Waste Local Plan document. This document will then be examined by a Planning Inspector, on behalf of the Secretary of State for Levelling up, Housing and Communities.

Comments on the contents of the Norfolk Minerals and Waste Local Plan were sought in two previous consultations: an Initial consultation stage in July – August 2018, and the Preferred Options consultation in September - October 2019. The comments received were taken into consideration in the production of the current Pre-Submission version of the Minerals and Waste Local Plan. At this stage (Regulation 19 and 20), we are asking about the process of producing the Minerals and Waste Local Plan and whether the document is legally compliant and sound.

The NM&WLP will replace the following existing Minerals and Waste Development Plan Documents (DPDs) with one Local Plan:

- The Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (adopted 2011)
- The Norfolk Waste Site Specific Allocations DPD (adopted in 2013)
- The Norfolk Minerals Site Specific Allocations DPD (adopted in 2013 and subsequently amended by the adoption of the Single Issue Silica Sand Review in December 2017).

Important Note

- Representations must be received between **9am on Wednesday 28 September and 5pm on Monday 19 December 2022**. Representations received before or after these dates will not be considered.
- Representations cannot be treated as confidential.
- Representations made at previous stages are not carried over. If you have made a representation to a previous stage which you consider relates to the soundness or legal compliance of the local plan, and you would like the Planning Inspectorate to consider it, you will need to resubmit it during this representations period.
- You only have the right to be heard at the independent examination if you are seeking to make a change to the document and have submitted a duly-made representation within the appropriate period.
- Summaries of the main issues raised as part of the Initial Consultation and Preferred Options stages will form part of the evidence for the local plan.

How to complete the response form

There are two ways in which it is anticipated that you will respond to this stage of the Minerals and Waste Local Plan process, with your comments focusing on the soundness and legal compliance of this Local Plan (full definitions overleaf).

If you are seeking to make representations on the way in which Norfolk County Council has prepared the Minerals and Waste Local Plan it is likely that your comments or objections will relate to a matter of legal compliance.

If it is the actual content on which you wish to comment or object it is likely it will relate to whether the Minerals and Waste Local Plan is justified, effective, positively prepared, or consistent with national policy.

Section 1 and 2 – Please tell us your name and contact details, Representations are only valid if this information is supplied.

Section 3 – Please identify clearly which document, paragraph and policy your comment relates to.



Section 4 – Please indicate if you consider that the document is legally compliant and meets all of the tests of soundness set out overleaf.

Section 5, 6 and 7 – Please state which of the four tests of soundness (justified, effective, positively prepared, or consistent with national policy) your representation relates to, why you consider the Minerals and Waste Local Plan is not legally compliant or unsound and what changes are necessary to make the document sound having regard for the test of soundness which you have identified.

Section 8 and 9 – Please let us know, by ticking the appropriate box, if you wish to participate at the hearing to be held by the Planning Inspector as part of their examination of the Minerals and Waste Local Plan.

Section 10 – Please read the privacy statement and sign and date the form.

Guidance Notes

These guidance notes, produced by the Planning Inspectorate, are intended to assist you in completing the representation form. Please read the notes thoroughly before completing your form.

The plan has been published by Norfolk County Council in order for representations to be made on it before it is submitted for examination by a Planning Inspector. The Planning and Compulsory Purchase Act 2004, as amended, [PCPA] states that the purpose of the examination is to consider whether the plan complies with the relevant legal requirements, including the duty to co-operate, and is sound. The Inspector will consider all representations on the plan that are made within the period set by Norfolk County Council.

To ensure an effective and fair examination, it is important that the Inspector and all other participants in the examination process can know who has made representations on the plan. Norfolk County Council will therefore ensure that the names of those making representations can be made available (including publication on Norfolk County Council's website) and taken into account by the Inspector.

Legal Compliance and Duty to Co-operate

The following should be considered before making a representation on legal compliance:

The plan should be included in the Norfolk County Council's current Local Development Scheme [LDS] and the key stages set out in the LDS should have been followed. The LDS is effectively a programme of work prepared by Norfolk County Council, setting out the plans it proposes to produce. It will set out the key stages in the production of any plans which Norfolk County Council proposes to bring forward for examination. If the plan is not in the current LDS it should not have been published for representations. The LDS should be on Norfolk County Council's website and available at its main offices.

The process of community involvement for the plan in question should be in general accordance with Norfolk County Council's Statement of Community Involvement [SCI]. The SCI sets out Norfolk County Council's strategy for involving the community in the preparation and revision of plans and the consideration of planning applications. Norfolk County Council is required to provide a Sustainability Appraisal [SA] report when it publishes a plan. This should identify the process by which SA has been carried out, and the baseline information used to inform the process and the outcomes of that process. SA is a tool for assessing the extent to which the plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

The plan should comply with all other relevant requirements of the PCPA and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended [the Regulations].

The following should be considered before making a representation on compliance with the duty to co-operate:

- Section 33A of the PCPA requires Norfolk County Council to engage constructively, actively and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the plan. Norfolk County Council will be expected to provide evidence of how they have complied with the duty.



- Non-compliance with the duty to co-operate cannot be rectified after the submission of the plan. Therefore, the Inspector has no power to recommend modifications in this regard. Where the duty has not been complied with, the Inspector cannot recommend adoption of the plan.

Soundness

The tests of soundness are set out in paragraph 35 of the [National Planning Policy Framework \(NPPF\)](#). Plans are sound if they are:

- **Positively prepared** – providing a strategy which, as a minimum seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring authorities is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

If you think the content of the plan is not sound because it does not include a policy on a particular issue, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by national planning policy?
- Is the issue with which you are concerned already covered by another policy in this plan?
- If the policy is not covered elsewhere, in what way is the plan unsound without the policy?
- If the plan is unsound without the policy, what should the policy say?

General advice

If you wish to make a representation seeking a modification to a plan or part of a plan you should set out clearly in what way you consider the plan or part of the plan is legally non-compliant or unsound, having regard as appropriate to the soundness criteria in the soundness paragraph above. Your representation should be supported by evidence wherever possible. It will be helpful if you also say precisely how you think the plan should be modified.

You should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification. You should not assume that you will have a further opportunity to make submissions. Any further submissions after the plan have been submitted for examination may only be made if invited by the Inspector, based on the matters and issues he or she identifies.

Where groups or individuals share a common view on the plan, it would be very helpful if they would make a single representation which represents that view, rather a large number of separate representations repeating the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Please consider carefully how you would like your representation to be dealt with in the examination: whether you are content to rely on your written representation, or whether you wish to take part in hearing session(s). Only representors who are seeking a change to the plan have a right to be heard at the hearing session(s), if they so request. In considering this, please note that written and oral representations carry the same weight and will be given equal consideration in the examination process.



Statement of Representations Procedure and availability of documents

This statement has been prepared by Norfolk County Council pursuant to the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (regulations 19, 20 and 35), as amended.

Title of the document

Norfolk Minerals and Waste Local Plan Publication document

Subject matter and area covered

The Norfolk Minerals and Waste Local Plan (NM&WLP) covers the whole of the administrative area of Norfolk County.

The NM&WLP covers the period up to 2038 and sets out the vision and strategic objectives for minerals development and waste management in Norfolk. The NM&WLP includes a forecast of the quantities of waste that need to be planned for over the plan period to 2038 and contains criteria-based policies to be used to determine planning applications that come forward for waste management facilities. The NM&WLP includes the forecast quantities of sand and gravel, Carstone and silica sand that need to be planned for during the period to 2038. Two sites are allocated for silica sand extraction, one site for carstone extraction and 16 sites for sand and gravel extraction along with the policies to be used to determine planning applications for mineral extraction and associated development.

Period of Publication for Representations

Representations of support or objection are invited for a period of at least 6 weeks from **9am Wednesday 28 September until 5pm Monday 19 December 2022.**

Please note that representations received after this date will not be considered. Only representations received within this period have a statutory right to be considered by the Inspector at the Examination.

Representations at this stage should only be made on legal and procedural compliance of the Norfolk Minerals and Waste Local Plan, the soundness of the Local Plan and whether the Local Plan is conformity with the Duty to Co-operate.

Where/how to view the Local Plan and supporting documents

The documents will be available to view on Norfolk County Council's local plan webpages at: <https://norfolk.oc2.uk>
Copies will be made available for public inspection, free of charge, within normal opening hours during the representations period, at the main office of each of the Local Planning Authorities in Norfolk:

- Norfolk County Council, County Hall, Martineau Lane, Norwich, NR1 2DH
- Breckland District Council, Elizabeth House, Walpole Loke, East Dereham, NR19 1EE
- South Norfolk Council and Broadland District Council, Thorpe Lodge, Yarmouth Road, Norwich, NR7 0DU
- Great Yarmouth Borough Council, Town Hall, Great Yarmouth, NR30 2QF
- Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, King's Lynn, PE30 1EX
- North Norfolk District Council, Holt Road, Cromer, NR27 9EL
- Norwich City Council, City Hall, Bethel Street, Norwich, NR2 1NH
- The Broads Authority, Yare House, 62-64 Thorpe Road, Norwich, NR1 1RY

If you would like to request a copy of any of the documents, please telephone 01603 222193 or email LDF@norfolk.gov.uk and we will do our best to help you.

Things to consider when making a representation

When making representations on the Local Plan, the following questions should be considered:



- **Is the plan legally compliant?**
 - Does the Plan comply with the relevant legislation and regulations in the way it has been prepared, and in its content?
- **Does the plan comply with the 'Duty to Cooperate'?**
 - Has the local planning authority engaged constructively, actively and on an ongoing basis with neighbouring authorities and other prescribed bodies during the preparation of the Plan?
- **Is the plan 'sound'?**
 - Has the Plan been 'positively prepared' to meet the forecast need?
 - Is it robustly justified and evidence-led?
 - Is it deliverable and based on effective joint working?
 - Is it consistent with national planning policy?

How to submit your representation

Representations must be made in writing, or via email, or the e-consultation website as follows:

Electronic Representation – This is our preferred method of receiving representations.
Representations can be lodged directly at the following web address: <https://norfolk.oc2.uk/>

Other Representation methods – Alternatively, you can complete this response form and send it to Norfolk County Council via email or post, using the following contact details:

Post: Norfolk County Council, Planning Services (Minerals and Waste Policy), Community and Environmental Services, County Hall, Martineau Lane, Norwich, NR1 2DH

Email: LDF@norfolk.gov.uk

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- Representations made at previous stages are not carried over. If you have made a representation to a previous stage which you consider relates to the soundness or legal compliance of the local plan, and you would like the Planning inspectorate to consider it, you will need to resubmit it during this consultation period.
- You only have the right to be heard at the independent examination if you are seeking to make a change to the document and have submitted a duly-made representation within the appropriate period.
- Summaries of the main issues raised as part of the Initial Consultation and Preferred Options stages will form part of the evidence for the local plan.

How to participate in the Examination, and request notification of the progress of the Norfolk Minerals and Waste Local Plan

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- Submission of the Norfolk Minerals and Waste Local Plan (NM&WLP) for independent examination
- Publication of the recommendations of the person appointed to carry out an independent examination of the NM&WLP.
- The Adoption of the NM&WLP.

What happens to the Representations?

Representations will be submitted to the Planning Inspectorate on behalf of the Secretary of State and considered as part of a public examination by an independent Planning Inspector.



Please use a separate form for each part of the Norfolk Minerals and Waste Local Plan that you wish to comment on.

Return to: Norfolk County Council, Planning Services (Minerals and Waste Policy), Community and Environmental Services, County Hall, Martineau Lane, Norwich, NR1 2DH

Part A

1. Personal Details

2. Agent's Details (if applicable)

**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text"/>	<input type="text"/>
First Name	<input type="text"/>	<input type="text"/>
Last Name	<input type="text"/>	<input type="text"/>
Job Title (where relevant)	<input type="text"/>	<input type="text"/>
Organisation (where relevant)	<input type="text"/>	<input type="text"/>
Address Line 1	<input type="text"/>	<input type="text"/>
Line 2	<input type="text"/>	<input type="text"/>
Line 3	<input type="text"/>	<input type="text"/>
Line 4	<input type="text"/>	<input type="text"/>
Post Code	<input type="text"/>	<input type="text"/>
Telephone Number	<input type="text"/>	<input type="text"/>
E-mail Address	<input type="text"/>	<input type="text"/>

Please tick your preferred method of contact:

Email

☐

Letter

☐

Which category do you fall into (Please chose one only)?

District or County Council

☐

Mineral Industry

☐

Parish Council in Norfolk

☐

Waste Industry

☐

Statutory Consultee

☐

Individual

☐

Neighbouring Parish Council outside of Norfolk

☐

Agent/Consultant

☐

Other Organisation (please specify):



Part B – Please use a separate sheet for each representation

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

Paragraph

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

(Continue on a separate sheet if necessary)



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.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate
at the oral examination

☐

No, I do not wish to participate
at the oral examination

☐

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

(Continue on a separate sheet if necessary)



Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated they wish to participate at the oral part of the examination.

Disclaimer

Data Protection and Freedom of Information:

The Data Controller of this information under the General Data Protection Regulation (GDPR)2018/Data Protection Act 1998 will be Norfolk County Council. The purposes of collecting this data are:

- To assist in the preparation and examination of the Minerals and Waste Local Plan
- To contact you, if necessary, regarding the answers given in your form

The response forms received as part of the Minerals and Waste Local Plan Regulation 19 publication stage will be made available for public viewing and submitted to the Secretary of State to be considered as part of a public examination by an independent planning inspector. By submitting this form, you are consenting to your comments being stored by Norfolk County Council and the details being published for the purpose of the Norfolk Minerals and Waste Local Plan preparation and examination processes. Once comments have been checked and verified, they will be available online (with respondents' names) for others to see. Any representations which are deemed to contain offensive comments will be removed. Whilst we will include names on our website, we will remove personal contact details such as telephone numbers, emails and signatures before publishing. Please note that anonymous comments will not be accepted as comments must be attributable for the public examination by the Planning Inspectorate. See our Privacy notice at <https://norfolk.oc2.uk/privacy> for information on how we managed your personal information.

10. **Signature**

Date