



Norfolk County Council

Planning Advisory Service (PAS) Local Plan Route Mapper Toolkit Part 4: Local Plan Soundness and Quality Assessment

Norfolk County Council Minerals and Waste Local Plan 2021-2038

www.norfolk.gov.uk/nmwdf



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Introduction

Why you should use this part of the toolkit

The purpose of this assessment is to provide a 'mock' examination - as far as that is possible - of the drafts of your local plan policies update. It is intended to be particularly helpful for use as part of the development of your emerging local plan policies update and as a final check prior to publication of your Regulation 19 Submission Local Plan policies update. It will help you to identify areas for improvement and understand potential risks to the soundness of the plan or its usability.

How to use this part of the toolkit

There are 50 'key questions' in the assessment matrix below which might seem a lot to get through. But thinking through these questions now could save time and expense further down the line. If you are undertaking a partial plan policies update not all of the content will be relevant to you.

If you are completing this assessment or peer reviewing it for a colleague within or from another authority, you should put yourself into the mind of a Planning Inspector assessing the soundness of the draft local plan policies update by keeping in mind the 'tests' as follows. Is the draft local plan update:

- **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 areas 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 [National Planning Policy Framework](#) and other statements of national planning policy, where relevant.

For some elements, particularly those concerning clarity, you will also need to consider yourself as an end user of the Local Plan policies update.

Provide a brief answer to each question cross referring to evidence that has informed or supports the local plan policies update in order to justify your reasoning and the score you have attributed. Identify any likely implications of not changing your approach or ways in which you may potentially improve the score either through changes to the plan policies update, evidence or further engagement with developers or infrastructure providers recorded in your statement of common ground. But remember that the local plan policies update doesn't need to be supported by reams of evidence. Evidence needs to be proportionate, clear and robust in line with [PAS advice on proportionate evidence](#).

How to use the results of this part of the toolkit

You can use the results of this tool throughout the plan making process to assess the extent to which your plan addresses key soundness requirements. There is no requirement to publish or submit this table to the Planning Inspectorate as part of the independent examination, but you may find the assessment (or some elements) helpful to inform changes to your plan or supporting documents.

The categories for scoring the NM&WLP against each numbered question is as follows:

No, we do not meet this requirement = -2

No, we may not fully meet this requirement = -1

Unclear whether our plan meets this requirement or not = 0

Yes, we are likely to meet this requirement = 1+

Yes, we are confident our plan will meet this requirement = 2+

Growth Strategy

A. In no more than 100 words (excluding any referencing) summarise your strategy for delivering growth and development in your area

The NM&WLP sets out policies for the provision of a steady and adequate supply of minerals and the management of waste. The Waste Capacity Assessment (2022) (document B2) concluded that there is sufficient existing waste capacity to manage the forecast arisings during the Plan period. Therefore, criteria-based policies will be used to determine any waste planning applications submitted. The minerals industry provides raw materials for construction and for glass manufacture and constitutes essential infrastructure to support economic development. Specific sites for 18.2 million tonnes of sand and gravel extraction, 1.4 million tonnes of Carstone and 4.1 million tonnes of silica sand are allocated within the NM&WLP. Policy MPSS1 is a criteria-based policy to enable future unallocated sites for silica sand extraction to be developed in appropriate locations.

B. In no more than 100 words (excluding any referencing) identify the key factors which informed the distribution of development in the local plan policies update

Mineral development and waste management facilities will be located, designed and operated without unacceptable adverse impacts on amenity, the natural, built and historic environment, the landscape and townscape of Norfolk, in accordance with the spatial strategy for minerals development (Policy MP2 and supporting text) and criteria-based policy (Policy WP2 and supporting text) for waste management facilities.

Sufficient capacity already exists to accommodate the forecast growth in waste arisings over the Plan period, and therefore no sites have been allocated, and the criteria-based policies will be used if sites come forward.

Minerals can only be dug where they are found and Policy MP2 and supporting text identifies the key factors which inform the distribution of minerals site allocations, and a criteria-based policy.

C. List each of the main growth areas and strategic sites and the key infrastructure needed to support delivery

The NM&WLP does not define main growth areas in the same way in which a Local Plan dealing with housing and/or employment land might. Mineral resources in Norfolk comprise Sand and Gravel, Carstone and Silica Sand; Sand and Gravel occurs widely across Norfolk as fluvial and glacio-fluvial deposits, and Carstone and Silica Sand occur as two largely contiguous north-south deposits in the west of the County near King's Lynn. This can be seen in the Key Diagram in the NM&WLP. As minerals can only be extracted where they are found the geology provides the spatial basis for mineral site allocations. None of the proposed mineral site allocations are strategic.

The Waste Capacity Assessment (2022) (document B2) has concluded that there is sufficient existing waste capacity to meet the forecast waste arisings during the Plan period. Policy WP1 sets out the growth in waste arisings over the Plan Period. Therefore, the NM&WLP does not include any specific site allocations for waste management facilities; a strategic spatial policy (Policy WP2) is proposed which together with Development Management policies will be used to determine any waste planning applications submitted.

Policy WP2 sets a preference for locating waste management facilities within five miles of one of Norfolk's urban areas or three miles of one of the main towns, except for when these coincide with specified designations and circumstances. This will provide for sufficient locations of waste management facilities within Norfolk. This is so facilities are situated in proximity to the locations of greatest housing and employment growth and as close as practicable to the likely origin of the waste.

For the purpose of Policy WP2, Norfolk's main towns are Aylsham, Cromer, Dereham, Diss, Downham Market, Fakenham, Harleston, Holt, Hunstanton, North Walsham, Swaffham, Watton and Wymondham. Norfolk's urban areas are King's Lynn (including West Lynn), Thetford, Attleborough, Great Yarmouth, Gorleston-on-Sea and Norwich [the Norwich urban area includes the built-up parts of the urban fringe parishes of Colney, Costessey, Cringleford, Trowse, Thorpe St Andrew, Sprowston, Old Catton, Hellesdon, Drayton and Taverham].

For minerals and waste developments, a piece of key infrastructure is the transport network from source to destination. Most current minerals and waste sites in Norfolk are served by Heavy Goods Vehicles (HGVs) using the local road network (usually accompanied by a formal Routing Agreement or by condition), although Sibelco's silica sand complex at Leziat exports around three-quarters of the processed silica sand by rail.

1. Overall does the local plan policies update clearly articulate the strategy for where and how sustainable development will be delivered and that this is 'an appropriate strategy' within the context of paragraph 35 of the NPPF?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The NM&WLP clearly articulates a strategy for mineral and waste development over the Plan Period. Policy MP2 together with its supporting text sets out a spatial strategy for minerals extraction. Policy MP2 references the mineral resource areas and makes a preference for specific sites for sand and gravel and Carstone extraction to be located within five miles of one of Norfolk urban areas or three miles of one of the main towns and/or to be well-related to one of Norfolk's urban areas or main towns via appropriate transport infrastructure. Sites for silica sand extraction should be located where they are able to access the existing processing plant and railhead at Leziat.

Policy WP2 together with its supporting text sets out a spatial strategy for waste management. Policy WP2 makes a preference for waste management facilities to be located within five miles of one of Norfolk urban areas or three miles of one of the main towns and/or to be well-related to one of Norfolk's urban areas or main towns via appropriate transport infrastructure.

For the purposes of policies MP2 and WP2, Norfolk's main towns are defined within these policies. This is so facilities are situated in proximity to the locations of greatest housing and employment growth and as close as practicable to the likely origin of the waste or market for the mineral.

For sand and gravel, and Carstone the forecast need will be delivered through the allocation of specific sites for mineral extraction. For silica sand the forecast need will be delivered through a combination of specific site allocations, and a criteria-based policy (MPSS1) to be used in the determination of planning applications. The specific site allocations are set out as policies in the NM&WLP. The site allocations and criteria-based policy for silica sand (MPSS1) are considered to be an appropriate strategy. Further detail on the approach to silica sand is set out in the Silica Sand Topic paper (document B1).

For waste management, the Waste Capacity Assessment 2022 (document B2) has shown that there is sufficient capacity within existing waste management facilities to meet the forecast waste arisings during the Plan period which are set out in Policy WP1. Therefore, no waste management sites are allocated in the NM&WLP and Policy WP2 together with the criteria-based policies for specific waste management facility types will allow planning applications to come forward to accommodate any changes in waste technologies, practice and contracts.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

2. Is it clear how the amount of development identified for any growth areas or major site allocations has been determined – and that the level proposed is deliverable and justified?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: As set out in the response to question C, the NM&WLP does not define main growth areas in the same way in which a Local Plan dealing with housing and/or employment land might. The forecast need for minerals and waste development within the NM&WLP period, as set out in Policy MP1 and WP1 is for Norfolk as a whole and is evidenced in the following background documents:

- Norfolk Local Aggregate Assessment 2021 and 2022 (documents B3 and B4)
- Silica Sand Topic Paper (2022) (document B1)
- Waste Management Capacity Assessment 2022 (document B2)
- Sustainability Appraisal (March 2022) (documents A3.2 and A3.3)

Section MP1.1-MP1.28 set out and summarise the findings and how they inform the need and forecast amount for minerals in Policy MP1 during the Local Plan period. The planned provision for Sand and Gravel, and Carstone have been arrived at by having regard to the NPPG. Having looked at the sales in the previous 10 and 3 year periods, as well as other relevant information; it has been concluded that the use of a figure based on the 10 year rolling average plus an additional 10% to allow flexibility is an appropriate quantum to provide for a steady and adequate supply of these minerals. For Silica Sand, the planned provision is based on the maximum lawful annual throughput for the Leziat processing plant multiplied by the years of the Plan Period. As the processing plant has maximum throughput set through a CLEUD this is an appropriate quantum to provide for a steady and adequate supply of industrial sand.

Section W0.1-W1.13 set out and summarise the findings and how they inform the need and forecast amount for waste management facilities in Policy WP1. In brief, the calculated existing waste management capacity exceeds the forecast growth in waste arisings over the Plan Period. A strategic policy WP2 allows for planning applications to come forward in appropriate locations to meet future changes in waste management technology, and contracts.

The forecasting methodologies for minerals and waste have been discussed with the relevant Duty to Cooperate bodies in the East of England Aggregates Working Party and the East of England Waste Technical Advisory Body respectively.

As set out in the response to question 7, the estimated on-site mineral resource for each specific site allocation is based on geological information supplied by the site proposer in their response to the 'call for sites' and is therefore justified and deliverable.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: see comments regarding silica sand in question 5.

3. Is it clear that the local plan policies update provides for the most appropriate level of housing growth using the standard methodology as a starting point? Can you clearly articulate why planned growth levels should not be higher or lower? If you are proposing any material change away from the level of housing indicated by the standard method, can you clearly justify this through evidence? Does the level of housing provide for an appropriate and justified buffer?

Not applicable to a Minerals and Waste Local Plan.

4. Is the distribution of development justified in respect of the need for, and approach to, Green Belt release and can you demonstrate that alternatives to Green Belt release have been fully considered? Can you demonstrate that exceptional circumstances exist to justify green belt release?

Not applicable because there is no designated Green Belt in Norfolk.

5. Is it clear how sites have been selected and have site allocations been made on a consistent basis having regard to the evidence base, including housing and employment land availability assessments, the Sustainability Appraisal and viability assessment? If not, can you justify why?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: In terms of site allocations, minerals are a finite natural resource and can only be worked where they exist. To help determine deliverability, information about proposed minerals sites and the area surrounding was requested, during a 'Call for mineral extraction sites' in 2017, including:

- A map of the site location and proposed HGV access route
- Landowner willingness for the site to be included as a mineral extraction site allocation
- Borehole data and a statement as to the quality, quantity and extent of the mineral resource which is of commercial interest
- Information on planning constraints relevant to the proposed site location (including environmental designations, landscape, the historic environment, agricultural land, amenity and infrastructure)

Proposals for potential specific site allocations for carstone, sand and gravel, or silica sand extraction with an estimated resource of at least 500,000 tonnes were considered for allocation, unless the site will be operated as an extension to an existing permitted site.

The potential sites submitted through the 'call for sites' were subject to assessment through the plan-making process. The site assessments can be seen in the Initial Consultation – Proposed mineral extraction sites (2018) (document C4.2), NMWLP Preferred Options – Minerals Sites (2019) (document C9.2) and Minerals and Waste Local Plan Pre-Submission Publication (2022) (document A1). The potential sites were all subject to sustainability appraisal, the results of which are contained in Sustainability Appraisal Appendix B – appraisal tables for minerals sites and areas (document A3.4). The SA contains a qualitative conclusion as to appropriateness of the potential site for allocation in regard to the SA objectives. The site assessments supporting the site-specific allocations policy together show that the allocations are an appropriate strategy for ensuring the steady and adequate supply of mineral to meet the forecast need within the NM&WLP.

The potential to allocate Areas of Search for silica sand extraction within the Leziat Beds silica sand resource (as mapped by the British Geological Survey) has been fully explored. However, in addition to the safeguarding area around RAF Marham, large parts of the silica sand resource are within the setting of the Norfolk Coast AONB, the impact risk zone for The Wash SSSI or other SSSIs, the hydrogeological catchment around Roydon Common SSSI and Dersingham Bog SSSI, the setting of designated heritage assets, on designated Open Access Land, on Grade 1 and 2 Best and Most Versatile agricultural land and in proximity to sensitive receptors such as residential dwellings. The remaining areas of the silica sand resource would be too fragmentary to form an appropriately sized area within which to find a potentially viable silica sand extraction site. Therefore, Areas of Search are no longer considered to be a deliverable method to use to plan for future silica sand provision in Norfolk and a criteria-based policy (MPSS1) for the consideration of any future planning applications for silica sand extraction, is considered to be an appropriate and effective method of planning for the remaining forecast need during the Plan period. Further detail is contained in the Silica Sand Topic Paper (document B1).

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: Regarding silica sand extraction, representation ID: 99471 was submitted during the Regulation 19 representation period by Sibelco who submitted one omission site, one omission Preferred Area and four omission areas of search for silica sand extraction. None of these sites or areas were proposed to the Mineral Planning Authority prior to this stage of the plan process and several of them are part of or close to areas that have been proposed for silica sand extraction in the past and found to be unacceptable for allocation. Sibelco also suggested Policy MP2 is re-worded to include Areas of Search and also set out a hierarchy of delivery and a spatial strategy for silica sand development. A response from the Mineral Planning Authority, addressing the characteristics and

suitability of the omission sites and suggested changes has been set out in the Statement of Consultation (document A11), which maintains the view that the criteria-based policy is an appropriate way of planning for the steady and adequate supply of silica sand. It allows applications to come forward on land where permission could be granted, accepting that there are significant areas of the resource where designations of national and international importance are located and national policy limits development which might adversely impact such areas. The omission sites put forward by Sibelco, are either within or in proximity to such designations and therefore are not appropriate for allocation as they are not in locations where permission might be reasonably anticipated and therefore deliverable.

6. Does the local plan policies update identify a housing requirement for designated neighbourhood areas?

Not applicable to a Minerals and Waste Local Plan.

7. Do site allocations include sufficient detail on the mix and quantum of development, including, where appropriate any necessary supporting infrastructure?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: 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, in order to provide a steady and adequate supply of minerals. These are the only minerals occurring in Norfolk subject to provision within the Plan-making process. The NM&WLP allocates one Carstone extraction site, two silica sand extraction sites and 16 sand and gravel extraction sites. The assessments which support the site-specific allocation policies contain an estimated on-site mineral resource. This is based on geological information supplied by the site proposer in their response to the 'call for sites'. The allocation policy contains requirements for supporting infrastructure, principally highway improvements where necessary to allow the allocation to be delivered without adverse impacts to highway safety.

To help determine deliverability, and also ensure sufficient detail on potential site allocations, information about proposed minerals sites and the area surrounding was requested, during a 'Call for mineral extraction sites' in 2017, including:

- A map of the site location and proposed HGV access route
- Landowner willingness for the site to be included as a mineral extraction site allocation
- Borehole data and a statement as to the quality, quantity and extent of the mineral resource which is of commercial interest
- Information on planning constraints relevant to the proposed site location (including environmental designations, landscape, the historic environment, agricultural land, amenity and infrastructure)

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

D. What targets have you set for non-residential floorspace or employment land and, if relevant, the number of jobs to be created over the plan period? List these targets and the evidence source for this 'need' target?

Not applicable to a Minerals and Waste Local Plan.

8. Where and how are the targets referred to above to be delivered? Do the sites and indicative capacities that you have identified demonstrate that these targets are achievable? If you are not allocating sites to meet needs identified, can you justify and explain how those needs will be met?

Not applicable to a Minerals and Waste Local Plan.

9. Does the local plan policies update: (i) identify infrastructure that is necessary to support planned growth; and (ii) enable provision of this infrastructure?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Mineral requirements are defined as the need to provide a steady and adequate supply of aggregates and industrial - this does not necessarily require growth per se. The NM&WLP sets out the forecast mineral need and growth in waste arisings over the Plan period in Policies MP1 (minerals) and WP1 (waste). The mineral site allocations themselves are therefore part of the infrastructure that is necessary to support this forecast mineral need to enable construction for economic growth. For waste, it has been shown in the Waste Capacity Assessment (2022) (document B2) that there are sufficient existing waste management facilities to meet the forecast growth in waste arisings during the Plan period to 2038.

For both minerals and waste developments, supporting transport infrastructure is important to enable delivery from source to destination, which is market based. Individual specific site allocation policy requirements list whether additional highways infrastructure such as junction improvements or passing bays would be required, and this is usually fully funded by the developers.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

10. Can you demonstrate that the transport and other infrastructure needed to support each growth area or strategic site identified in the local plan policies update: (i) can be funded and delivered; and (ii) is supported by the relevant providers/ delivery agents in terms of funding and timescales indicated?

Have you identified the extent of any funding gap? If so, are you able to explain why you are confident that any gap can be addressed?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: None of the specific site allocations proposed in the Publication NM&WLP are considered to be strategic sites in terms of Plan delivery. Some specific site allocation policies have highway infrastructure requirements, such as junction improvements, haul roads, access points and/or passing bays. Local highway improvements are a standard component of mineral developments and based on existing mineral extraction sites in Norfolk the scale of improvements required has been deliverable through developer funding.

It is standard practise for infrastructure for minerals and waste sites to be funded by the developer, unless it is the Council acting as the Waste Disposal Authority, and delivering the development themselves (such as a household waste recycling centres). The NM&WLP consultations and Duty to Cooperate cross-boundary issues are discussed in regular meetings with other relevant organisations. No infrastructure implications have been identified and no infrastructure funding statement was considered necessary. There are no known funding gap/implications in this NM&WLP plan period.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

Process and Outcomes

E. What are the cross boundary strategic matters affecting your local plan policies update. List these.

NCC Statement of Common Ground (SoCG) (2023) (document A16) identifies the strategic cross-boundary issues associated with the NM&WLP and shows where effective cooperation is (and if appropriate where it is not) being made on these issues.

The cross-boundary strategic matters are regarding: the provision of a steady and adequate supply of minerals, the provision of sufficient waste management facilities, the movement of waste to and from other Waste Planning Authority areas for management, safeguarding existing minerals infrastructure, waste management facilities and mineral resources from being prejudiced for use or sterilised by

incompatible development, and ensuring that minerals and waste developments do not have an unacceptable adverse impact on the natural and historic environment or human health.

At a meeting of the East of England Waste Technical Advisory Body (WTAB) held on 17 June 2020, it was agreed by members that 'strategic' waste movements, i.e. imports and exports between Waste Planning Authority areas, should be regarded as those which exceed the following thresholds:

- Hazardous waste = 100 tpa
- Non-hazardous waste = 5,000 tonnes per annum (tpa)
- Inert wastes (including construction, demolition and excavation waste) = 10,000 tpa

The SOCG contains 6 agreements set over 4 matters:

- The Provision of Minerals
- The Provision of Waste Management Facilities
- Safeguarding
- Impacts on local communities and environment

As well as the NCC SoCG, in 2015, Norfolk's planning authorities agreed to formally cooperate on a range of strategic cross-boundary planning issues through the preparation of the Norfolk Strategic Planning Framework (NSPF) (document B20). The aim of this framework is to agree shared objectives and strategic priorities, demonstrate compliance with the duty to cooperate and consistency with the NPPF. The latest version (January 2021) was endorsed by all stakeholder authorities in 2021. Agreement 29 in relation to minerals and waste in the NSPF contains points 1 to 7 which largely match the agreements in the Statement of Common Ground, with a difference in relation to method of planning for silica sand through a criteria-based policy instead of allocating areas of search (agreement 2), whilst agreement 4 in the NSPF regarding the waste hierarchy, is contained as text instead of an agreement in the NCC SoCG.

11. Does your Duty to Cooperate Statement(s) of Common Ground: (i) identify these issues; (ii) identify the bodies you have engaged with or continue to engage with; and (iii) clearly set out not just the process, but the outcomes of this engagement highlighting areas of agreement and of difference?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The following documents are relevant: Duty to Co-operate Statement (June 2023) (document A13) and the general Statement of Common Ground (2023) (document A16). There are also four individual bespoke SoCG between Norfolk County Council and The Broads Authority (document A17), Historic England (document A18), Anglian Water (document 19) and Natural England (document A20). The SoCG contains:

- a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);
- the key strategic matters being addressed by the statement;
- the plan-making authorities responsible for joint working detailed in the statement, and any additional signatories (including cross-referencing the matters to which each is a signatory);
- governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;
- distribution of needs in the area as agreed through the plan-making process;
- a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and
- any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.

A variety of methods were used on ways to reach agreement with various parties, including through meetings, Local Plan consultations and emails.

Each SoCG details which matters have been agreed by which signatories and the dates on which those agreements have been achieved.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

F. Are there any aspects of the local plan policies update not in conformity with national policy (or where you will be relying on transitional provisions)? Please set these out and provide justification with reference to evidence for these. Are you satisfied you can robustly defend this on the basis of local evidence?

The NM&WLP does not allocate sufficient specific sites to meet the forecast need for silica sand during the plan period to 2038. Strategic Policy MP1 sets out the provision for minerals extraction.

The NPPG states that the supply of silica sand should be planned as years' worth of production for the plant within a Mineral Planning Authority's area. The NPPF states that the stock of permitted reserves of silica sand should be at least 10 years' production for individual silica sand sites, and if significant new capital is required, then stocks for at least 15 years production should be planned for. There are no sub-national guidelines for silica sand extraction. Supporting text MP1.16-MP1.20 of the NM&WLP sets out the silica sand requirements, forecast, methodology and the justification for the shortfall in allocated sites.

The permitted reserve of silica sand, at 31/12/2020 is estimated at 3.232 million tonnes. The permitted reserve therefore provides a landbank of less than 10 years' worth of silica sand production, which is below the level required by the NPPF. However, the permitted reserve is dependent upon the submission of suitable planning applications. Even with the inclusion of the mineral resource and planning permissions at allocated sites SIL01 (1.1 million tonnes) and MIN40 (3 million tonnes), the landbank of permitted reserves would still be less than 10 years' worth of silica sand production.

Policy MP1 states for silica sand, sufficient sites to deliver at least 10.34 million tonnes of silica sand resources will be required during the Plan period. The landbank for silica sand will be maintained at a level of at least 10 years' supply where practicable. By practicable, it is meant that the Mineral Planning Authority can only determine planning applications submitted to it by mineral operators, and it is within the operators' gift if and when to submit such applications. Planning applications for silica sand extraction located outside of allocated sites, which would address the shortfall in permitted reserves, will be determined on their own merits in accordance with the policies in this Local Plan, including the requirements contained within Policy MPSS1.

Further information is provided in the Silica Sand Topic Paper (document B1).

12. Are there any specific policies in the local plan policies update where there are differences to any policy approach set out in a relevant strategic planning framework (e.g. the London Plan, or a plan produced by a Combined Authority or through voluntary agreement).

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Norfolk County Council are the minerals and waste Planning Authority for Norfolk and there are also seven Local Planning Authorities in Norfolk.

There are no specific policies in the NM&WLP where there are differences to any policy approach set out in a relevant strategic planning framework. Norfolk's planning authorities agreed to formally cooperate on a range of strategic cross-boundary planning issues through the preparation of the Norfolk Strategic Planning Framework (NSPF). The aim of this framework is to agree shared objectives and strategic priorities, demonstrate compliance with duty to cooperate and consistency with the revised NPPF. The latest version (January 2021) was endorsed by all stakeholder authorities in 2021, and the principles are reflected in the formation of the NM&WLP.

The NM&WLP as a whole will form part of the Development Framework for Norfolk, and through the Duty to Cooperate, the policies have been developed and consulted upon throughout the process with these authorities.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer comments: None

13. Is the local plan policies update:

- **in conformity with any 'higher level' plans prepared by the Council; and**
- **properly reflecting provisions of any made neighbourhood plan?**

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The Sustainability Appraisal (SA) Scoping Report (February 2022) (document A3.1) sets out the documents that informed the NM&WLP. A list of the adopted neighbourhood plans in force at the time of writing the report is set out on page A-76. However, it should be noted that minerals and waste development are outside the scope of matters for a neighbourhood plan. A list of the relevant Norfolk-wide strategies, policies and plans prepared by Norfolk County Council are listed on page 31 of the SA Scoping Report.

Supporting text paragraph W10.3 of the Publication NM&WLP sets out that in 2014 Norfolk County Council adopted waste procurement policies which relate specifically to the management of the residual Local Authority Collected Waste (LACW) for which the County Council, as Waste Disposal Authority, is responsible. The waste procurement policies are not land use planning policies, but as LACW is a significant waste stream the procurement policies could influence the nature of any residual waste management sites brought forward over the plan period. NM&WLP Policy WP10 states that where a proposed residual waste treatment facility involving thermal treatment comes forward, it must provide for the recovery of energy as a minimum.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Review Comments: None

14. Does your Consultation Statement demonstrate how you have complied with the specific requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's adopted Statement of Community Involvement to date [you should revisit and update this following the publication of your Regulation 19 local plan policies update]?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The submitted Statement of Consultation (Part B) has been prepared to satisfy Regulation 22 within Part 5 (Local Plans) for producing local development documents, as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.

There are two submitted Statement of Consultation documents – the 'Regulation 18 Statement of Consultation (May 2022)' (document A10) and the 'Regulation 19 Statement of Consultation (August 2023)' (document A11).

Sections 3 and 4 of document A10 summarises who was invited to make representations at the two Regulation 18 consultation periods, how they were consulted, and a summary of the responses received. Section 3 summarises the main issues raised in the two consultation periods and how they have been taken into account in the NM&WLP.

Section 2 of document A11 summarises who was invited to make representations at the Regulation 19 stage, how they were notified of the representations period and a summary of the responses received. Section 3 sets out the main issues raised by respondents and how they have been taken into account.

The Statement of Community Involvement (SCI) has been updated during the Local Plan process, and both versions (2018 and 2022) are included in the submitted Examination Library as documents B25 and B26.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

15. Has the Sustainability Appraisal – incorporating the requirements of the Strategic Environmental Assessment legislation - evaluated all reasonable alternatives? Is it clear why alternatives have not been selected?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Development of the NM&WLP has been through a number of stages, including Initial Consultation, Preferred Options and Pre-Submission (detailed in the consultation section below). Following a ‘call for mineral extraction sites’ in July 2017, the sites submitted were subject to Sustainability Appraisal and all the submitted sites were contained in the Initial Consultation (2018) and in the Preferred Options document (2019) as alternative options for mineral extraction during the Plan period. Appendix D of the Sustainability Appraisal (document A3.4) includes the appraisal tables for each proposed mineral extraction site and area of search, with a conclusion for each site. Task B3, section 6.3 of the Sustainability Appraisal (document A3.2) also summarises the effects of all the proposed mineral extraction sites.

The six proposed waste management sites have also been subject to Sustainability Appraisal (Appendix D to the SA Report) (document A3.6) although none of the sites are considered appropriate to allocate. The planning policies have been subject to Sustainability Appraisal and are contained in Appendix A of the SA Report (document A3.3). Each policy assessment has a conclusion. Where there are alternative policy options, these alternatives have also been subject to Sustainability Appraisal and are assessed in Task B2 of the Sustainability Appraisal Report (document A3.2). The policies where alternative strategic options have been considered and evaluated are:

- WP1: Waste management capacity to be provided
- WP2: Spatial strategy for waste management facilities
- MP1: Provision for minerals extraction
- MP2: Spatial Strategy for minerals extraction

These policies contain the quantity of minerals (MP1) and waste (WP1) to plan for and contain the spatial strategy for the location of mineral extraction sites (MP2) and waste management facilities (WP2).

Where there have been any changes to the policy wording or site allocation between the consultation stages and the Publication version of the NM&WLP, the Sustainability Appraisal of the policy has been reviewed and changes detailed and the SA re-evaluated where appropriate. Responses to relevant representations which have questioned the approach to policy alternatives and omitted sites are contained in the Regulation 19 Representation Period Statement of Consultation (document A11) and Feedback Report (2023) (document A12).

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

16. Does the Sustainability Appraisal adequately assess the likely significant effects of policies and proposals?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The SA report (document A3) has been consulted upon and updated throughout the Local Plan Review process. The proposed specific sites and areas of search have been assessed against the 13 SA/SEA objectives to determine whether they would have positive, neutral or negative effects during the extraction phase and also post extraction. The effects are summarised in Table 6.1 of Part B of the SA report (March 2022) and vary by site, depending on the location of the proposed site in relation to planning constraints (including designated landscapes, designated ecological sites, heritage assets and sensitive receptors to amenity impacts).

The proposed planning policies have also been assessed against the 13 SA/SEA objectives to determine whether they would have positive, neutral or negative effects in the short, medium and long term. The effects are summarised in Table 6.2 of Part B of the SA report (March 2022).

Where required, mitigation measures to prevent, reduce or offset significant adverse effects of implementing the NM&WLP have been included, based on the findings of the policy appraisals and proposed site appraisals.

A draft monitoring regime has been established to monitor the effects implementation of the plan has on sustainability. To monitor effects on the 13 SA objectives, a total of 38 indicators will be monitored with the results published in the Monitoring Report.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

17. Is it clear how the Sustainability Appraisal has influenced the local plan policies update including how any policies or site allocations have been amended as a result and does it show (and conclude) that the local plan policies update is an appropriate strategy?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The NM&WLP Publication document contains a summary of how the Sustainability Appraisal (SA) has been used as an iterative process through the plan-making process to determine that proposed policies provide an appropriate strategy. This summary is contained in paragraphs 2.14-2.16.

The Sustainability Appraisal Report has been published in two parts. Part A is the Scoping Report (document A3.1) and Part B assesses the effects of alternative options for the Norfolk Minerals and Waste Local Plan (documents A3.2 to A3.6).

The Sustainability Appraisal Report (Part A) Scoping (2022) (document A3.1) provides an outline of the baseline information, key issues, relevant plans and programmes and SA/SEA framework and includes the following information:

- Statutory context;
- Influences of other plans and programmes;
- Sustainability baseline information;
- Issues for sustainable development; and
- Sustainability Appraisal Framework

At the Initial Consultation stage (2018) the initial assessments of the proposed sites and areas of search for future mineral extraction were published for consultation. The assessments were informed by the draft Sustainability Appraisal (documents C5.1 to C5.5) and included a conclusion regarding the suitability of the proposed specific sites and areas of search for inclusion in the NM&WLP for future mineral extraction. The 'Initial SA report Part B – Appendix B appraisal tables of mineral sites and areas' (2018) (document C5.4) helped to determine the conclusion for each proposed site. At the Preferred Options stage (2019) 'Sustainability Appraisal Appendix B – Appraisal tables of sites and AOS' (2019) (document C10.3) together with the assessments and conclusions for the sites and areas were updated where necessary, taking into account the comments received at the Initial Consultation stage and was published for consultation.

Following a 'call for waste management sites' in January 2019, the sites submitted were subject to sustainability appraisal, 'Sustainability Appraisal Appendix D – maps and appraisal of waste sites' (2019) (document C10.5). All the submitted sites were contained in the Preferred Options document (2019) as alternative options for waste management during the Plan period.

Planning policies were also contained in the Initial Consultation (2018) (document C4.1) and the Preferred Options document (2019) (document C9.1). The planning policies have been subject to Sustainability Appraisal at each stage 'Initial SA Report Part B – Appendix A – appraisal tables of policies'

(2018) (document C5.3) and ‘Sustainability Appraisal Appendix A – Appraisal table of policies’ (2019) (document C10.2). At the Preferred Options stage (2019) the assessments and conclusions for the policies were updated where necessary, taking into account the comments received at the Initial Consultation stage and was published for consultation.

At the Pre-Submission Publication stage, the Sustainability Appraisal, the assessments and conclusions for the proposed policies, sites and areas were updated again where necessary, taking into account the comments received at the Preferred Options stage. The assessments of policies are in ‘Sustainability Appraisal Appendix A – appraisal tables of policies’ (2022) (document A3.3), the assessment of proposed minerals sites and areas are in ‘Sustainability Appraisal Appendix B – appraisal tables for minerals sites and areas’ (2022) (document A3.4) and the assessment of proposed waste management sites are in ‘Sustainability Appraisal Appendix D – waste site maps and appraisals’ (2022) (document A3.6). Each policy or proposed site allocation assessment contains a conclusion about the findings of the sustainability appraisal and whether any changes or mitigation measures are required. Section 6 (Task B4) of the Sustainability Appraisal report sets out the overall effects of the NM&WLP.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

18. Is it clear how an Equalities Impact Assessment has influenced the local plan policies update?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The submitted Equalities Impact Assessment (May 2022) (document A9) concludes potential impacts caused by the implementation of the policies and the development of the allocated sites have been identified. Comments from statutory and non-statutory consultees have been taken into account, including from Environmental Health Officers.

It has been identified that some minerals extraction and waste management facilities could have some detrimental impact, albeit low, upon some equality groups, if the development is not sufficiently managed and mitigated. The issues identified were possible health and amenity impacts to more vulnerable groups, i.e. older people or disabled people. The most likely health and amenity impacts from mineral extraction are noise and dust. The development management criteria Policy MW1 sets out requirements for mineral and waste development to demonstrate that the development would not have unacceptable impacts on a number of issues, including amenity impacts such as noise and dust. Compliance with MW1 will be assessed at the planning application stage when suitable management and mitigation will be identified. The specific site allocation policies in the NM&WLP also contain requirements related to assessment of potential amenity impacts which would also be considered as part of the determination of any future planning application. There are also potential opportunities for positive impacts, which are also promoted within several policies, mainly post restoration.

It is considered the policies in the NM&WLP should mitigate the potential for unacceptable adverse impacts on health and amenity, including for protected characteristic groups, in accordance with the requirements of the NPPF. Provided these policies are applied robustly, and an Equality Impact Assessment is also carried out at the planning application stage, it is highly unlikely that equality groups will be disproportionately discriminated against by virtue of the location of the mineral extraction sites that have been allocated.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

19. Does the Habitats Regulations Assessment consider the local plan policies update in combination with other plans and projects?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Task One of the submitted Habitats Regulations Assessment (May 2022) (HRA) (document A8) sets out a screening matrix of minerals and waste planning policies and the specific site allocations for minerals extraction, and assesses the likely significant effect alone or in-combination on the integrity of a SAC, SPA and Ramsar site/s Appendix B of the HRA Report contains a review of key related policies, strategies and action plans from the Local Planning Authorities and Minerals and Waste Planning Authorities in Norfolk and adjacent to Norfolk.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

20. If the Habitats Regulations Assessment has identified, through 'Appropriate Assessment' that mitigation measures are required, does the local plan policies update adequately identify the measures required and the mechanisms for delivering them?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The HRA Report (document A8) concludes, following the review of the policies within the Publication version of the NM&WLP, that there were no policies identified which could result in likely significant effects on a SPA, SAC or Ramsar site.

Following the review of the allocated mineral extraction sites within the Publication version of the NM&WLP, all the designated sites are considered sufficiently distant from the proposed mineral extraction sites that no likely significant effects are anticipated. Sites within the 3km Impact Risk Zone of relevant SSSIs would be worked dry above the water table and therefore would not affect the hydrology of the SSSI. Where a dry working is required, this has been included as a criteria within the site allocation policy, although dry working would be expected anyway because the base of the mineral is generally above the groundwater level. Section 3.1 of the HRA report (p39) sets out each allocated mineral extraction site and concludes there will be no likely significant effect alone or in combination on designated sites.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

21. Is it clear how the outcomes and conclusions of the Habitats Regulations Assessment have influenced the local plan policies update?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The HRA Report (document A8) concludes, following the review of the policies within the Publication version of the NM&WLP, that there were no policies identified which could result in likely significant effects on a SPA, SAC or Ramsar site.

Following the review of the allocated mineral extraction sites within the Publication version of the NM&WLP, all the designated sites are considered sufficiently distant from the proposed mineral extraction sites that likely impacts are not considered significant. Developers wanting to extract mineral from specific sites allocated in the NM&WLP will still need to apply for and be granted planning permission before mineral extraction can take place. A project level HRA will be undertaken at the planning application stage if one is required. Planning permissions are often granted subject to conditions to mitigate potential adverse impacts from site operations.

Policy MW4 specifically addresses the protection of the Brecks protected habitats and species from inappropriate minerals and waste development, which is based on Policy ENV 03 of the Breckland District Council Local Plan and advice from Natural England.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

Housing Strategy

22. Can you demonstrate that the policies and proposed allocations in your local plan policies update meet your housing requirement in full and that this can be achieved as a minimum? If not [for instance, because another local authority has agreed to plan for your unmet need], can you explain and robustly justify why?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

G. Is there any unmet need in neighbouring areas that you have been formally asked to accommodate? If yes, then list the amount by each local authority area.

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

23. Does your local plan policies update accommodate any of this unmet need where you can sustainably to do so?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

24. Is there a housing trajectory which illustrates the expected rate of housing delivery and ensures the maintenance of a 5-year supply during the plan period? Is your strategy for delivery and implementation clearly articulated and justified to support the trajectory?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

25. Can you confirm: (i) that the local plan policies update will provide for a 5-year supply of specific deliverable sites on adoption; and (ii) that beyond this 5 year period sites are developable and (iii) if relevant, you have included a 5 or 20 percent buffer to deal with under-delivery.

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

26. Does the level of supply provide any 'head room' (that is additional supply above that required) to enable you to react quickly to any unforeseen changes in circumstances and to ensure that the full requirement will be met during the plan period?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

27. Is the Council reliant on the delivery of any 'windfall' sites (sites not specifically identified in the development plan) during the plan period and if so, how many and when? Is there compelling evidence to confirm that such sites will continue to come forward?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

28. Does the local plan policies update make it clear what size, type and tenure of housing is required?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

29. Does the local plan policies update specifically address the needs of different groups in the community?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

30. Can your affordable housing requirements, including any geographical variations, be justified? Does the local plan policies update provide for the delivery of the full need for affordable housing? If not, can you explain and justify why?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

31. Have the needs for travellers and travelling showpeople been adequately assessed in accordance with national policy and have they been based on robust evidence? Does the local plan policies update make adequate provision for the identified needs?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

32. Will the local plan policies update provide for a 5-year supply of deliverable travellers and travelling showpeople pitches to meet identified needs?

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

H. List any travellers and travelling showpeople sites identified to meet need and the timescales for their delivery.

Housing Strategy questions are not applicable to a Minerals and Waste Local Plan.

Justified Approaches to Plan Policy and Content

33. Where thresholds are set in policies which trigger specific policy requirements, are these thresholds justified by evidence and is this clear in the supporting text?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: There are no policies in the N&MLP where there are trigger thresholds, as trigger thresholds almost always relate to housing and employment land development.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

34. Does the local plan policies update avoid deferring details on strategic matters to other documents? If it does, is it clear *why* matters will be covered in other Development Plan Documents or Supplementary Planning Documents and why this is appropriate?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The Norfolk Minerals and Waste Local Plan (NM&WLP), together with the Local Plans produced by the Norfolk's Local Planning Authorities and Neighbourhood Plans will form the Development Plan for Norfolk. There are no instances where the submitted NM&WLP defers details on strategic matters to other documents.

The Norfolk Strategic Planning Framework sets out the strategic shared spatial objectives and Statement of Common Ground for Norfolk.

No other Development Plan Documents or Supplementary Planning Documents are planned to follow at this time, unless a requirement or a need comes up subsequently upon review after adoption of the NM&WLP.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

35. Where the local plan policies update defines a hierarchy do policies throughout the Plan consistently: (i) reflect this hierarchical approach; (ii) make clear the level of protection afforded to designations depending on their status within the hierarchy; and (iii) is the approach consistent with National Policy?

[For example, hierarchies could relate to nature conservation, heritage assets, town centres/retail, settlements.]

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The minerals spatial strategy in Policy MP2 and waste spatial strategy in Policy WP2 set out the location of new minerals and waste facilities within Norfolk. These policies have a preference for locations of this development to be within five miles of Norfolk's urban areas and three miles of one of Norfolk's main towns or well-related to one of those areas or towns. These main towns and urban areas are consistent with those set out by Norfolk's Local Planning Authorities in their

adopted plans, as referenced in NM&WLP paragraph MP2.6 and W2.2, in line with Paragraph 86 of the NPPF.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

36. Where policies seek to limit certain uses, is this justified by evidence and is the rationale clear in the supporting text to the policy and in the evidence. [For example, policies relating to town centres, employment or retail may seek to limit certain uses.]

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Most of the waste management policies state that specific types of development will 'only be acceptable' on certain types of land, to ensure the development is appropriately located, rather than seeking to limit certain uses. This is in line with Paragraph 4 of the National Planning Policy for Waste (October 2014).

Policy WP4 (recycling of inert CD&E waste) and Policy MP9 (Asphalt plants, concrete batching plants and the manufacture of concrete products) both state that developments at existing sand and gravel workings will only be considered acceptable on a temporary basis and will be restricted to no later than the cessation date for the mineral extraction. Supporting text W4.2 and MP9.1 provides justification for this policy approach. These developments would not normally be allowed in the open countryside in the absence of adjacent mineral workings and therefore should be removed once mineral extraction has ceased.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

37. Is it clear that any standards proposed for development are justified and deliverable, taking into account the scale of the development? Where relevant, are they consistent with the principles set out in the National Design Code and National Model Design Code? [For example, onsite provision of open space, optional technical standards, internal and external space standards.]

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: In terms of the NM&WLP, there is currently no local or national design code specifically for minerals and waste. Paragraphs 6.54-6.55 and W16.1-W16.4 of the NM&WLP set out the supporting text for good design of waste management facilities. The National Design Guide (NDG) is referred to in the NM&WLP. The NDG sets out 10 overarching design principles, however most of the principles are focussed on residential and mixed use development. Policy WP16: Design of waste management facilities and Policy DM1 requires good design, and the former sets out the principles of what constitutes 'high quality design' for waste facilities.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

Deliverability

38. Has the viability of the local plan policies update been suitably tested and does this testing cover all requirements including in respect of any required standards, affordable housing provision and transport and other infrastructure needs and if relevant the implications of CIL?

This is not applicable to a Minerals and Waste Local Plan.

39. Does the local plan policies update reflect the conclusions and recommendations of your viability evidence?

Is it clear the viability and delivery of development will not be put at risk by the requirements in the local plan policies update?

This is not applicable to a Minerals and Waste Local Plan.

40. Does the monitoring framework clearly set out what matters will be monitored, and the indicators used? Are these measurable and can the data be readily secured/captured?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The monitoring framework is established within the NM&WLP Implementation, Monitoring and Review section on page 88. The table sets out the indicator, the related policy/strategic objective, the target, responsible agencies, the implementation mechanism, and the data source, to ensure the indicator is measurable and can be readily captured.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

41. Does the local plan policies update and monitoring framework identify a clear framework for plan review? Where triggers for plan review and/or update are identified are they justified and proportionate?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Implementation of the Minerals and Waste Local Plan will be monitored and captured in the Annual Monitoring Reports or Local Aggregate Assessment as appropriate. If the monitoring identifies any significant divergence from a trend or target required, we will seek to establish the reason(s) for the divergence from the target, and as a consequence, an intervention by Norfolk County Council may be required. Intervention could include a review of the evidence base, a specific policy or the Plan as a whole, and will be reported in the Annual Monitoring Report. In addition, a Local Aggregate Assessment is required to be prepared and published annually by Mineral Planning Authorities. The NPPG specifies that a shortfall in the permitted reserves of aggregate minerals below 7 years for sand and gravel and 10 years for hard rock is a reason to consider a review of the Minerals Local Plan.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

Plan Effectiveness (and associated policy clarity)

42. Does the local plan policies update clearly set out the timeframe that it covers? Is it clear which policies are strategic? Will the strategic policies provide for a minimum of 15 years from adoption? Does the evidence relied on to support those policies correspond/cover this whole period? Where larger scale developments are proposed as part of the strategy, does the vision look further ahead (at least 30 years)?

Yes, we are likely to meet this requirement. (Score +1)

Reason for score: Section 1 of the NM&WLP clearly sets out the plan period, which is to the end of 2038. Strategic policies are clearly labelled in the index and the Policy title. The NM&WLP at the beginning of the Local Plan Review process was planned to cover the period to 2036, in line with the NSPF (document B20). However, given the lapse in time in plan production due to the pandemic and the volume of responses to be processed and considered, the plan period was extended before the Regulation 19 stage, and evidence, forecasts and supply were re-evaluated to ensure that the plan will be in place for a minimum of 15 years from planned adoption, with evidence updated to cover the

period up to 2038. Further delays between the Regulation 19 stage and submission will mean that with adoption in 2024, the plan period will be a few months short of 15 years. There are ten strategic policies in the NM&WLP and only two of these policies specifically cover the period to 2038 – Policy MP1 (provision for minerals extraction) and Policy WP1 (waste management capacity to be provided). All other policies could apply to a longer time period if required. The annual Monitoring Reports and Local Aggregate Assessments will provide the ability to regularly assess the performance of the plan policies, particularly regarding waste management capacity compared to waste arisings, permitted mineral reserves and production and any actions that need to be taken as a result.

There are no larger scale developments proposed in the NM&WLP that would require a vision to look ahead for at least 30 years.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

43. Does the local plan policies update clearly set out which adopted Development Plan policies it supersedes?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Appendix 1 of the NM&WLP contains a table of the Existing Core Strategy and Development Management Policies, whether they have been replaced/deleted and the new Local Plan policy to replace it.

Appendix 2 (minerals) and Appendix 3 (waste) contains a table with the existing site specific allocations and areas of search policies. The mineral resource or site proposal (for waste) is listed, as well as whether the allocation is to be replaced or deleted. The new local plan policy is referenced if applicable, as well as the reason for deletion.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

44. Are the objectives the policies are trying to achieve clear, and can the policies be easily used and understood for decision making?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: The policies are clearly and concisely written and the strategic objectives are set out in sections 4.2 and 4.3 of the NM&WLP. Feedback from the Regulation 18 and 19 Consultations has been used to improve policies where it was needed. The Annual Monitoring Reports have monitored the performance and evaluation of existing adopted core strategy, development management and site allocation policies, which fed into policy formulation of the NM&WLP. The Implementation, Monitoring and Review table also explicitly sets out the indicator and the related policy and strategic objective that is to be achieved.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

45. For each policy area you have designated or defined in the Plan: (i) are these clearly referenced and explained in the Plan; and (ii) clearly defined on the Policies Map?

Where you have included maps or graphics within the local plan policies update are these legible and is it clear if and how they are to be used in decision making?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: A Policies Map has been produced to accompany the NM&WLP which is at an appropriate legible scale in document format and is divided into several parts to increase clarity. The

Policies Map is also available as an interactive web map, which allows for viewing at a greater scale, and for layers to be turned on and off to increase clarity.

The specific site allocation policies include a map of the boundary of each site area. The site allocations are also shown within the Policies Map both within the general insets (Part B) and at a greater scale within Part C of the Policies Map.

Policies MP2 and MPSS1 set out the spatial strategy for minerals extraction, this is related to the location of mineral resources. Those resources are shown on the Key Diagram and in Part A of the Policies Map. Policies MP2 and MPSS1 and their supporting text clearly reference these and explain the reasoning for the policies.

Policy MP5 refers to Core River Valleys, the supporting text MP5.1-MP5.4 explains the designation, and reasoning behind the policy and references the Policies Map. The Core River Valleys are shown in Part A of the Policies Map.

Policy MP10 is the safeguarding policy for mineral facilities; the supporting text, paragraphs MP10.1-MP10.5 explains the reasoning for Policy MP10 and reference the Policies Map. Policy WP17 is the safeguarding policy for waste management facilities; the supporting text, paragraphs W17.1 – W17.4 explain the reasoning for Policy WP17 and reference the Policies Map.

Policy MP11 is the safeguarding policy for mineral extraction sites and mineral resources. This policy has defined Mineral Safeguarding Areas and Mineral Consultation Areas. Supporting text paragraph MP11.1-MP11.11 explains the reasoning behind the policy, how the areas have been defined and the types of applications to which the policy would apply; reference is also made to the areas being shown on the Policies Map (Part A).

The Policies Map in document format contains the following documents:

- (A2.1) Policies Map Introduction and Part A - Mineral Safeguarding Areas inset maps 1-26
- (A2.2) Policies Map Part B - Policies inset maps 1-26
- (A2.3) Policies Map Part C - Mineral Specific Site Allocation inset maps
- (A2.4) Policies Map Part D - Flood Zone inset maps 1-26
- (A2.5) Policies Map Parts E, F and G - inset maps for County Geodiversity Sites, Air Quality Management Areas and Aerodrome Safeguarding

There are four other maps within the NM&WLP itself:

- Map 1: Key diagram
- Map 2: Stone Curlew mitigation zones and protection zones
- Map 3: Agricultural land grades
- Map 4: 5-mile zones surrounding urban areas and 3-mile zones surrounding main towns

These maps are included for information to illustrate the policy content as explained above. The Stone Curlew mitigation zones and protection zones are also included within the Policies Map. Agricultural land grade maps are also available from the Natural England website.

Implications of taking no further action: Not applicable

Mitigation / Action required (if necessary) to move scale to right: Not applicable

Reviewer Comments: The interactive policies map will be updated at the time the plan is adopted, and then subject to an annual review of safeguarded sites.

46. Does each local plan policies update policy: (i) make clear the type of development it will promote; (ii) use positive rather than negative wording?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Each policy (General/Minerals/Waste) is clearly titled and referenced according to the type of development it is addressing. Policies are positively worded as far as they can be. Where there are negative phrases used (examples below), or the nature of development requires a restricted approach, it is because it is considered negatively worded policies give more effective control, are more concise and easier to read and understand. Examples include information requirements for

development with the potential to affect designated habitats sites where the precautionary principle applies.

Where there are requirements for development, especially the location of specific types of waste management facilities, there are a few negative wording examples:

- 'will not normally be permitted' (policy MW4)
- 'will not be acceptable' (Policy WP10, WP12)

The minerals specific site allocations are criteria-based policies which state 'Development will be subject to compliance with the Minerals and Waste Local Plan policies and meeting all the following requirements...'. Other policies which take a criteria-based approach are clear whether the criteria are inclusive or exclusive. An example is Policy MW3 which uses the wording: Proposals ... will therefore be expected to...'

Implications of taking no further action: Not every policy is positively worded.

Mitigation / Action required (if necessary) to move scale to right: Not applicable

Reviewer Comments: The wording of the policies is relevant to the answer to question 44 above, in order to ensure the policies can be easily used and understood for decision making.

47. Do policies make clear where they are intended to be applied differently for the purposes of decision-making dependent on (i) scale; (ii) use; or (iii) location of development proposed.

[Note: If you have said 'all development' this implies equal application irrespective of the development scale/use/location and this may not be either justified or deliverable]

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Each policy (General/Minerals/Waste) is clearly titled and referenced according to the type of development it is addressing.

Policies MW1 to MW5 apply to all minerals and waste development and cover general development management issues, which are appropriate to all development regardless of scale, use or location. Waste Management specific policies are WP1 to WP17, and Policies WP4 to WP15 address requirements of specific types of waste development, as well as the waste management capacity (Policy WP1), the spatial strategy (Policy WP2) and the land suitable for waste management facilities (Policy WP3). Policies MP1 to MP11 applies to minerals development and follow a similar format, which either addresses scale, use or location of proposed minerals and waste development. There are 16 site specific mineral allocations. Policies such as MP5 (Core River Valleys) and MW4 (The Brecks) focus on minerals and/or waste development in environmentally constrained areas.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

I. State how many policies are in your local plan update?

Can you list any policies within the local plan update that: (i) repeat parts of other policies within the plan; (ii) replicate or repeat paragraphs in the NPPF (iii) cross reference other policies.

There are 46 policies in the NM&WLP, 5 General policies, 7 minerals specific policies, 17 waste management specific policies, and 17 minerals site specific allocation policies.

The following policies do not either repeat parts of other policies within the plan, replicate or repeat paragraphs in the NPPF or cross reference other policies:

Policy MW1: Development Management Criteria

Policy MW2: Transport

Policy MW3: Climate change adaption and mitigation

Policy MW4: The Brecks Protected Habitats and Species

Policy MW5: Agricultural soils

Policy MP2: Spatial strategy for minerals extraction

Policy MP5: Core River Valleys

Policy MP10: safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials – STRATEGIC POLICY

Policy MP11: Mineral Safeguarding Areas and Mineral Consultation Areas – STRATEGIC POLICY

Policy WP1: New waste management capacity to be provided

Policy WP17: Safeguarding waste management facilities

The following policies include a cross reference to the general Development Management Policy MW1. This is to provide clarity for residents, in response to issues raised during the Regulation 18 consultation stages, that Policy MW1 would also apply to the assessment process for those types of development covered by a specific policy:

Policy MP3: Borrow pits

Policy MP4: Agricultural or potable water reservoirs

Policy MP6: Cumulative impacts and phasing of workings

Policy MP7: Progressive working, restoration and afteruse

Policy WP3: Land suitable for waste management facilities

Policy WP6: Transfer, storage, processing and treatment of hazardous waste

Policy WP11: Disposal of inert waste by landfill

Policy WP12: Non-hazardous and hazardous waste landfill

Policy WP13: Landfill Mining and Reclamation

Policy WP14: Water Recycling Centres

Policy WP15: Whitlingham Water Recycling Centre

The following policies include both a cross reference to the general Development Management Policy MW1 and to Policy WP3: 'land suitable for waste management facilities'. This is to provide clarity for residents, in response to issues raised during the Regulation 18 consultation stages, that Policy MW1 and Policy WP3 will also apply to the assessment process for those types of waste management development covered by a specific policy:

Policy WP2: Spatial strategy for waste management facilities

Policy WP4: Recycling or transfer of inert CD&E waste

Policy WP5: Waste transfer stations, MRF, ELV facilities and WEEE recovery facilities

Policy WP8: Composting

Policy WP7: Household Waste Recycling Centres

Policy WP9: Anaerobic digestion

Policy WP10: Residual waste treatment facilities

WP6: Transfer, storage, processing and treatment of hazardous waste – contains duplication of criteria d, c and e from Policy WP3. A main modification is therefore proposed to Policy WP3 to make it clear that it only applies to non-hazardous waste.

Policy WP16: Design of waste management facilities - contains a cross reference to Policy MW3 in provision (f) which contains greater detail on climate change adaption and mitigation measures that are relevant to the design of facilities.

There are 17 specific site allocation policies for mineral extraction. There are no specific references to other policies and they do not replicate paragraphs in the NPPF. Each policy starts 'The site is allocated as a specific site for sand and gravel extraction. Development will be subject to compliance with the Minerals and Waste Local Plan policies and all the following requirements:' Each requirement may be similar to one of the requirements in Policy MW1, but will generally have a specific element or reference to the site or local area. For example, Policy MIN 51/MIN 13/MIN 08 (land west of Bilney Road, Beetley)

provision (e) requires 'The submission of an acceptable Heritage Statement to identify heritage assets and their settings (including the Grade II* Listed Church of St Peter, Grade II Listed Manor Farmhouse as well as listed buildings in East Bilney and the Scheduled Monument site 'deserted medieval village'), assess the potential for impacts and identify appropriate mitigation measures if required'. This is similar to provision (m) of Policy MW1, which ensures proposals would not have an unacceptable impact on 'The historic environment (as identified through a Heritage and Archaeology Statement), including heritage and archaeological assets and their settings' but with specific detail relevant to the particular allocated site.

48. Based on the above, have you tried to avoid unnecessary repetition (of the NPPF or other policies within the local plan policies update) and cross referencing in policies?

If you find duplication or repetition you may want to take minute to consider whether this is appropriate.

Yes, we are likely to meet this requirement. (Score +1)

Reason for score: The reasoning for cross referencing policies has been set out in question 47 under each policy.

Implications of taking no further action:

- References to WP3: The current structure of the policies has included cross-references for clarity for non-planners, but the outcome of the policy implementation would be the same whether the cross-reference was included or not.
- References to MW1: Regardless of whether or not the cross-reference to this policy is contained in other policies, a proposal would be assessed against all the relevant policies in the NM&WLP. Policy MW1 is a general policy and would be applicable to all proposals.
- Cross references between Policy WP3 and WP6: Potential confusion about land that is suitable for hazardous waste management because only some land within Policy WP3 is also contained within Policy WP6.

Mitigation / Action required (if necessary) to move scale to right: Modification proposed to Policy WP3 to clarify that it only applies to non-hazardous waste management facilities.

Reviewer Comments: An alternative way to have written the waste management policies, to reduce the duplication with Policy WP3 would have been to have one policy that contained subsections for each facility type instead of separate policies for each facility type.

49. Do policies avoid duplicating other regulatory requirements (for example, building regulations)?

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Within the NM&WLP paragraphs 6.13 to 6.14 set out the situation regarding planning and other pollution prevention and control regimes and assumes these regimes operate effectively. Paragraph 6.14 goes into detail about the regulators (Environment Agency (EA) and Local Authority Environmental Health Officers (EHOs)). Paragraph W15.6 sets out that Policy WP15 on Whitlingham Water Recycling Centre does not apply to the discharge from Whitlingham WRC to avoid duplicating regulatory control with the environmental permit from the Environment Agency.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

50. Does the wording of plan policies avoid ambiguity? Are requirements clear to the decision-maker?

[For instance, policies should avoid using overly subjective terms such as "to the Council's satisfaction", "considered necessary by the Council" or "appropriate" without associated clarification.]

Yes, we are confident our plan will meet this requirement. (Score +2)

Reason for score: Policies have been developed in consultation with Development Management officers, to ensure that they avoid ambiguity and effective implementation and application. The Annual Monitoring Reports have monitored the performance of existing adopted policies, which fed into policy

formulation of the NM&WLP. Regulation 18 and Regulation 19 consultation responses have been taken into account and in order to provide clarity for residents, certain wording and references to Policy MW1 (see answers to Q47 and Q48 above). Policies do include the wording 'appropriate', but examples of what would be considered appropriate have been provided in the supporting text.

Where consultees have raised concerns about the wording used in the NM&WLP, responses have been provided in the Feedback reports and Statement of Consultation, and some main or additional modifications have been proposed.

Implications of taking no further action: not applicable

Mitigation / Action required (if necessary) to move scale to right: not applicable

Reviewer Comments: None

Date of assessment: September 2023

Assessed by: Lee Youngs (Planner) / Richard Drake (Senior Planner)

Checked by: Caroline Jeffery (Principal Planner)

Overall Score: 66/68

Comments: The NM&WLP is considered to fulfil the tests for soundness and compliance with the NPPF as detailed in responses to the questions in this toolkit. There are 50 numbered questions in the toolkit. However, 16 of these questions are not relevant to a Minerals and Waste Plan. Therefore, the maximum possible score has been calculated as 2 points for each of the 34 relevant questions.