



Norfolk County Council

Norfolk Minerals and Waste Local Plan

Regulation 19 Representations on Background Documents by Document Order

Export: 24 May 2023

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15 representors submitted 21 representations on the background documents:

Habitats Regulations Assessment	= 1 representation
Sustainability Appraisal Report	= 14 representations
Waste Management Capacity Assessment	= 2 representations
Statement of Consultation	= 4 representations

The representations are also available to view online at:

<https://norfolk.oc2.uk/document/50>

Habitats Regulations Assessment - Task 1, Habitats Regulations Assessment - Test of Likely Significant Effects

99436

Comment

Respondent: Natural England (Miss Emma Hurrell, Lead Adviser) [21912]

Date received: 19/12/2022 via Email

Summary:

Natural England would like to reiterate our comments made in response to the initial consultation on the NMWLP in 2018 (letter dated 13 August 2018, Our ref: 251305) regarding our advice to consider the judgement from the Court of Justice of the European Union, case C-323/17 People Over Wind v Coillte Teoranta ('People Over Wind'). We note that our advice has been acknowledged and has guided the reassessment of sites MIN 96, MIN 25, MIN69, MIN 207, MIN 202 and MIN 65.

With reference to the HRA screening process for Likely Significant Effects, it is noted that for several policies (including WP2: Spatial Strategy for waste management facilities; MP1: Provision for minerals extraction; and MP2: Spatial strategy for mineral extraction) the phrase, "these impacts could be mitigated through the design and operation of the sites." has been used frequently. Please note, to reflect the ruling of 'People Over Wind', mitigation through design and operation of a site can only be included at screening stage if the design and operation measures are considered integral to the project and have not specifically been included in the plan policies to mitigate impacts to a designated site. We would advise that the wording in the HRA is revised to make this clear.

Natural England agrees with the statement made in paragraph 6.19 of the NMWLP, which states, "Planning permission for minerals or waste management development affecting an international site (SPAs, SACs or Ramsar sites) will only be granted where the conclusions of a project-level Habitats Regulations Assessment (HRA), where one is required, demonstrate that the proposal will have no adverse impacts on the integrity of any site, either alone or in combination with other plans or projects."

Please note that the Norfolk County Council Planning Officer's comments made in Table 1.3 of the HRA in response to Natural England's comments stating, "We do not consider that there are any sites now concluded suitable to allocate in the Preferred Options document where a project level HRA would be required," implies that a project level HRA would not be required for any of the allocated sites. Natural England advise that the HRA comments are revised to reflect the position made in paragraph 6.19 of the NMWLP that a project level HRA will be carried out when one is required.

It has also been noted that the wrong policy has been referenced in the HRA screening for mineral specific policies.

When screening MP2: Spatial strategy for mineral extraction (page 22) it states, "Proposed sites located in proximity to the Breckland SPA will also need to comply with Policy MW5." It is understood that this should be Policy MW4.

Change suggested by respondent:

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Not specified

Attachments: Natural England submission full text - <https://norfolk.oc2.uk/a/svmg>

Sustainability Appraisal Report, Sustainability Appraisal Report

99437

Support

Respondent: Natural England (Miss Emma Hurrell, Lead Adviser) [21912]

Date received: 19/12/2022 via Email

Summary:

Sustainability Appraisal Report

Natural England welcome the inclusion of 'type and area of new habitats created and enhanced post restoration of allocated mineral extraction sites' as a new indicator to support the monitoring of the objective SA6: To protect and enhance Norfolk's biodiversity and geodiversity (NMWLP Draft Sustainability Appraisal Report –Part B, dated March 2022,Table 8.1 Monitoring indicators).

Change suggested by respondent:

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Not specified

Attachments: Natural England submission full text - <https://norfolk.oc2.uk/a/svmg>

Sustainability Appraisal Report, Sustainability Appraisal Appendix A - Appraisal tables of policies

99149

Comment

Respondent: Broads Authority (Miss Natalie Beal, Planning Policy Officer) [16282]

Date received: 11/11/2022 via Email

Summary:

We have some queries and questions. These are not saying the Plan is unsound by asking these queries, but we would welcome thoughts on these and they may result in improvements to the Plan.

Given the recent announcement from Government in relation to fracking, is that something that the minerals and waste local plan needs to address? Would applications for such sites come to the County or the Local Planning Authority? That being said, the new Prime Minister, Rishi Sunak, has indicated changing stance again to banning fracking unless scientifically proven to not cause issues Does the Minerals and Waste Local Plan need to set out a policy position on fracking, in the interests of clarity?

Change suggested by respondent:

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Written Representation

Attachments: Broads Authority full text submission for rep ID 99120 to 99128 and 99149 - <https://norfolk.oc2.uk/a/svmz>

Sustainability Appraisal Report, Sustainability Appraisal Appendix B - Appraisal tables of proposed mineral extraction sites and areas of search

99079

Object

Respondent: Middleton Aggregates Ltd [1861]

Agent: Stephen M Daw Limited (Mr Stephen Daw) [143]

Date received: 06/10/2022 via Web

Summary:

Site MIN 205 should be allocated as the reasons for non-allocation are unsound. The restoration of the Site will be similar to previously permitted MIN 19, resulting in further enhancements to both biodiversity and landscape and so not in conflict with Core River Policy MP5. The mineral is required as insufficient flexibility is included within calculated forecast shortfall in Policy MP1

Change suggested by respondent:

Site MIN 205 should be allocated as its allocation would not be contrary to either Policies MP5 or MP1. In addition, land immediately to the north of MIN 205 should be allocated for the same reasons.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Appear exam: Appearance at the examination

Oral exam why: In order to be able to fully explain the case for allocation of MIN 205 and land immediately to the north of MIN 205.

Attachments: Representations received for sites MIN 205 and MIN 19 at Initial Consultation stage 2018 - <https://norfolk.oc2.uk/a/svjx>
 Landscape and Restoration Proposals MIN 205 Pentney - <https://norfolk.oc2.uk/a/svjj>
 Representation 93241 from Preferred Options stage 2019 - <https://norfolk.oc2.uk/a/svjk>
 Existing tree constraints plan (dewatering standoffs near trees) - <https://norfolk.oc2.uk/a/svjz>
 Access Plan (June 2017) - <https://norfolk.oc2.uk/a/svkt>
 Covering Letter (July 2017) - <https://norfolk.oc2.uk/a/svk3>
 Ecological Scoping Report - <https://norfolk.oc2.uk/a/svk4>
 Heritage Appraisal - <https://norfolk.oc2.uk/a/svk5>
 Location Plan (June 2017) - <https://norfolk.oc2.uk/a/svk6>
 Access strategy Technical Notes - Pentney Quarry - <https://norfolk.oc2.uk/a/svk9>
 Restoration Plan (June 2017) - <https://norfolk.oc2.uk/a/svkv>
 Site Plan 1 - <https://norfolk.oc2.uk/a/svkb>
 Site Plan 2 - <https://norfolk.oc2.uk/a/svkc>
 Mineral site proposal form - Pentney eastern extension - <https://norfolk.oc2.uk/a/svzk>

99081

Object

Respondent: Earsham Gravels Limited [4031]

Agent: Stephen M Daw Limited (Mr Stephen Daw) [143]

Date received: 06/10/2022 via Web

Summary:

Site MIN 212 Mundham should be allocated for the extraction of sand and gravel. There are no issues preventing allocation which cannot be mitigated and there could be positive effects on biodiversity and flood risk as well as the contribution made by the working of a proven high-grade mineral. The Site was considered suitable to allocate in the Initial Consultation and Preferred Options documents but not in the Publication document (refer to Cabinet Paper para 2.19). The Cabinet Paper makes reference to a 'concern' raised by the Highway Authority but the Authority does not object to the allocation (para 5.9)

Change suggested by respondent:

Site MIN 212 should be allocated as there are no issues preventing allocation which cannot be adequately mitigated; working will result in positive benefits; the mineral is of a proven high-grade and will make a contribution towards the forecast shortfall and vehicle movements will be closely controlled by an HGV Management Plan to ensure there are no adverse impacts on the amenity or safety of residents of Trowse village and White Horse Lane.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Appear exam: Appearance at the examination

Oral exam why: In order to be able to adequately explain why Site MIN 212 should be allocated.

Attachments: Cabinet Agenda papers for 4 July 2022 (extract) - <https://norfolk.oc2.uk/a/svjn>
Heavy Goods Vehicle (HGV) Management Plan - <https://norfolk.oc2.uk/a/svjp>
Access Plan - <https://norfolk.oc2.uk/a/svkd>
Covering Letter - <https://norfolk.oc2.uk/a/svkw>
Amenity Impact and Mitigation Report - <https://norfolk.oc2.uk/a/svkf>
Ecological Scoping - <https://norfolk.oc2.uk/a/svkg>
Heritage Appraisal - <https://norfolk.oc2.uk/a/svkh>
Location Plan - <https://norfolk.oc2.uk/a/svix>
Restoration Plan - <https://norfolk.oc2.uk/a/svix>
Site Plan 1 - <https://norfolk.oc2.uk/a/svkm>
Site Plan 2 - <https://norfolk.oc2.uk/a/svkn>
May 2022 letter regarding MIN 212 - <https://norfolk.oc2.uk/a/svzx>
Minerals site proposal form for Mundham - <https://norfolk.oc2.uk/a/svzj>

99145

Comment

Respondent: Mr Richard Warner [17479]

Date received: 28/09/2022 via Email

Summary:

I see that Min 38 (Waveney Forest) is no longer being considered for Sand & Gravel extraction. Nevertheless, as this is a public consultation and I thought it best to put forward the reasons why Min 38 should never be considered again in the future.

Global warming can only be reduced by keeping as many trees as possible and planting new ones. Saplings absorb carbon more quickly than old trees, which shows that forestry is very appropriate for Waveney Forest, any other re-purposing of that land would increase carbon dioxide in the atmosphere.

Waveney Forest was a WW2 training ground and is littered with sites from this period, mineral extraction would destroy these.

This area is recognised as having a large and prosperous Tourist industry, the forest is a large part of this, digging it up for sand & gravel would be totally inappropriate.

Waveney Forest is the only forest in SE Norfolk, people come from miles around to use it as an amenity.

Change suggested by respondent:

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Not specified

Attachments: None

99146

Comment

Respondent: Mr Rowland Dunn [4362]

Date received: 28/09/2022 via Email

Summary:

I note that the Waveney Forest [MIN 38 a.k.a. Fritton Woods] has been excluded now from this situation and is not being considered for the extraction of sand and gravel again.

During the COVID 19 outbreak we have seen over the last few years the forest has been a great comfort to many hundreds of people as an escape from the issues and problems connected to the situation. It was very difficult for the people of Great Yarmouth not to maintain close contact with people to avoid contamination and this fresh air area which so many sought out helped not only with their health but also the mental wellbeing. I understand that the beaches were full, and the streets were restrictive due to traffic and safe distances being required so people sought out this refuge.

With the global warming that we are experiencing in particular this year [and projected to get worse in coming years] there is a need for forests to help absorb the carbon dioxide, help which multiple organisations are now promoting tree planting so to destroy this valuable asset would have been detrimental.

I am led to believe Great Yarmouth is short of public amenity space and should this have been razed then there would have been even less for the community and its welfare.

It is an added attraction for visitors to the area not only for their health but the exercise of their dogs.

The wealth of wildlife is also an added attraction for visitors to the area not to mention the historic content from both WW1 and WW2.

You then have all the technical issues that I and others have put in our many submissions over the years.

Change suggested by respondent:

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Not specified

Attachments: None

99150

Comment

Respondent: Mr I McIntyre [7821]**Date received:** 04/10/2022 via Paper**Summary:**

[MIN 38] I ask you to keep mind the great utility of the WAVENEY FOREST to the many thousands of people seeking to escape the hubbub of the Yarmouth/Lowestoft conurbation.

Any one forest visitor may only return after (say) six months, if ever. However, the total numbers of visitors are several thousand annually with a seemingly inexhaustible supply of first-time visitors.

I hope, therefore that you will strive to preserve the Waveney Forest for the use of future generations.

Change suggested by respondent:

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Legally compliant: Not specified**Sound:** Not specified**Comply with duty:** Not specified**Appear exam:** Not specified**Attachments:** None

99156

Comment

Respondent: Mr Alton Matherne [17685]**Date received:** 03/11/2022 via Email**Summary:**

The links do not work well, and there are so many documents that only a person knowledgeable with the planning process would know what or where to look to find the important information.

My comment back to you are in regard to and apply to Fritton Wood and the roads that serve that area.

Fritton Wood is a managed woodland. It serves as a tranquil place of great natural beauty. Herds of deer, as well as fox, rabbit, squirrel, adders and many other species live there. It is used by walkers, on a daily basis and has become a known area for a tranquil walk to reflect on life or any other things that may trouble people. It is has become a mental health therapy location as well as a dog walkers paradise.

The road into the woodland is a small almost single track of light tarmac. This would not stand up to heavy haulage on any regular basis. The lucky people who live there would suffer much anxiety and stress from the daily noise and traffic of aggregate lorries if allowed to extract minerals from the woodlands.

The main road junction is not suitable for heavy goods vehicle traffic, and it will only be a short time until a serious RTA occurs.

For all the above reasons it is imperative that no type of heave mining or extractions be allowed in the Fritton Wood area, not now or in the future.

Thanks, you for your consideration

Change suggested by respondent:

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Legally compliant: Not specified**Sound:** Not specified**Comply with duty:** Not specified**Appear exam:** Not specified**Attachments:** None

99268

Object

Respondent: Breedon Trading Limited (Mr Shaun Denny, Planner) [21948]

Date received: 15/12/2022 via Web

Summary:**Objection to Policy MP2**

The Company wishes to object to the exclusion of the Mansom Plantation site from the Publication version of the Minerals and Waste Local Plan. The Company has been advised that the primary reason for its exclusion is because "... because it is considered that the high-water table would render the proposed restoration (to a holiday lodge development surrounded by heathland and retained woodland) unfeasible."

The Company acknowledges that much of the site is the subject of an implemented planning permission for a holiday lodge development. It is felt that whilst the currently approved lodge layout may not be compatible with the winning and working of sand and gravel for the reason given this does not take into account that the layout could be revised, subject to a further grant of planning permission, so both developments could co-exist. The body of water likely to result from the winning and working of sand and gravel could easily be restored in such a manner as to compliment holiday development rather than preclude it.

Further however, discussions have been held with the landowner who has confirmed to the Company that it would prefer the land to be developed for the winning and working of sand and gravel even if this means the current holiday lodge planning permission can no longer be legally implemented. The landowner has also confirmed to the Company that it is content for the site to be restored post winning and working of sand and gravel to a biodiverse/nature conservation afteruse and not to a holiday lodge afteruse. In this light and in the Company's view the primary reason for not identifying the site as a site specific allocation for the winning and working of sand and gravel is no longer relevant.

The site is currently a conifer tree plantation whose timber crop is due for harvesting. This provides an ideal opportunity to review the future landuse of the site, which is what the landowner and Company have undertaken. The phased felling of the timber crop is entirely compatible with the phased winning and working of sand and gravel, with the land's progressive restoration. To that end the Company has commissioned a concept restoration scheme (submitted as part of its objection) whose overarching objective is to improve the biodiversity of the site as it stands by at least 10% whilst drawing inspiration from ecological and landscape features in the wider locale. This scheme has the support of the landowner.

The report that accompanies the concept restoration drawing concludes: -

"It is not anticipated that the proposed development would give rise to any unacceptable or significant adverse effects on the landscape character of the locality or on the visual amenity of nearby receptors. The proposed restoration concept for the creation of a new 'valley fen' with heath and mire habitats set amongst a framework of mixed native woodland is likely to result in long-term beneficial effects."

The Mansom Plantation site lies within 5 miles of the north Norwich Parishes of Sprowston, Old Catton and Drayton which Policy MP2 specifically identify as part of the Norwich urban area. It has a direct trunk road connection via the A140 to Norwich city centre, and via the A1270 to itself eastern and southern suburbs.

Norwich is arguably the largest market for aggregate products in East Anglia. It is closer to these markets than any other existing or allocated site apart from Spixworth Quarry which currently has no permitted direct access to the classified road network without vehicles passing through either Spixworth itself or Horsham St. Faith. It is also reasonable in the Company's view to anticipate that the proposed link between the A1270 and A47 will be completed within the Plan period, and given the need to bridge the Wensum and possibly the Tudd valleys that significant volumes of concreting aggregate/concrete will be required. The Mansom Plantation site would be the closest potential quarry able to supply these materials to this project via the classified road network. The Company's Attlebridge site, although closer, would be unlikely to be able to provide materials of a suitable specification for this project due to a lack of water for processing. In summary the Company requests that the Mansom Plantation site be identified as a site specific allocation for the winning and working of sand and gravel as it was in iterations of the Plan. With the consent of the owners it can be restored in a manner that would be compatible with a reconfigured holiday lodge development or to a biodiverse/nature conservation afteruse that reflects nature conservation and landscape features in the wider locality. It is less than 5 miles from Norwich, the largest market for aggregates products in East Anglia, and has direct classified road access to said market. It is also the most sustainably located site to supply aggregates and concrete to the proposed A1270 – A47 link road, whose construction is proposed within the Plan period. No other issues have been identified which could not be overcome at the planning application stage.

ATTACHMENT: Manson Plantation restoration concept

Change suggested by respondent:

See full response (attached text). The reidentification of the Mansom Plantation site as a site specific allocation for the winning and working of mineral.

Legally compliant: Yes

Sound: No

Comply with duty: Yes

Appear exam: Appearance at the examination

Oral exam why: The exclusion of the site from the current version of the Plan after its inclusion in previous iteration, particularly given the reason for its exclusion, merit consideration in public in the Company's view.

Attachments: Representation text - <https://norfolk.oc2.uk/a/svzr>
Proposed Mineral Extraction at Manson Plantation - Restoration concept - November 2022 - <https://norfolk.oc2.uk/a/svzs>

99414

Comment

Respondent: Mrs Caroline Steels [17961]

Date received: 18/12/2022 via Email

Summary:

Norfolk minerals and waste local plan FRITTON WOODS [MIN 38]

I am objecting to the proposed quarrying in the Waveney Forest at Fritton. If you walk through our village, where there are pavements, they are very narrow and this makes the walker feel unsafe especially when larger vehicles go past. We have had an incident recently where an elderly villager was clipped by a passing vehicle and had to be helped to his feet by another villager. A greater number of more regular lorries, estimated at up to 50 vehicles a day, would make walking through the village feel very hazardous. These extra lorries would have to either come through Fritton which has a sharp bend on a hill, go over the little single-track bridge at St Olaves or go up Herringfleet Road and through Somerleyton which also has some very sharp bends; none of these roads are suitable for this extra traffic.

I live in a cottage very close to the A143 and lorries driving through the village make our cottage shake so this extra volume of heavy vehicles could damage our cottages and who would be responsible if any damage were to occur? The police regularly catch vehicles exceeding the speed limit through the village and we have been told that this can be about 40 vehicles per hour; we already get many lorries exceeding the speed limit early in the morning when they are confident that they are not going to get caught on a speed camera and it is this combination of speed and weight that make the vibration of the cottage worse. I have no confidence that these quarry lorries will not also ignore the speed limit.

The government has a new clean air strategy and this aims to reduce the amount of people living near sources of PM2.5 particulates because of the damage they do to the health of the population. It recognises WHO limits on PM2.5 and includes their production by industry, agriculture and other sources. Quarrying will produce PM2.5 particles only a few metres from residential properties and ionisation of these particles by high tension wires could increase their ability to damage the health of the community. How can an organisation that works closely with government Public Health departments from one side say it is alright to risk the health of a whole community by allowing production of PM2.5. Where will the responsibility lie when the health of the community deteriorates due to COPD or worse?

More trees would have to be chopped down, spoiling an area of natural beauty and having an adverse effect on plants and wildlife and the wellbeing of people who use the woods for recreational purposes.

We would also suffer with light and noise pollution. We chose to live here because of the lack of light and noise pollution- we like the peace and quiet.

Should anyone have the right to take this from us? We worry about human rights violations in many areas of life e.g. offenders, but will our human rights not be violated if you allow this quarry to go ahead?

There is a potential for increased risk of flooding to some properties and an increased risk of fires in the remaining wooded areas.

The next point is more emotive but relevant- would you want a quarry to start this close to your property. There must be other places to quarry which are further away from residential properties and that are not going to spoil such a beautiful area. Have you visited our woods and looked out across the broads or are we just a few lines on a map? It would be a tragedy to lose this beautiful view. I hope we can rely on you to stop this happening.

Over the summer I have helped with the speedwatch in Fritton and in each one hour slot more than 50 vehicles have been travelling in excess of 37mph, some in excess of 50mph, including lorries and buses and on each occasion we have witnessed faster vehicles overtaking other vehicles in the middle of the village. Bringing more heavy lorries through the village can only make this worse and do not imagine that they will pay any attention to a speed limit that so many others ignore.

Subsequent to my original letter, there are now a lot of horses and other farm animals in the surrounding fields, many of which are rescue animals on land owned by animal charities. Particulate matter mentioned in my original letter would make this area uninhabitable by these animals.

Also, can we afford to lose more trees in this time of climate awareness; we should be protecting our environment, climate and planet not adding to its problems. Can Norfolk County Council be seen to be displacing animals already in the care of rescue charities, to be paying no heed to the health of the residents of this and nearby villages and to be adding to the environmental problems of our island and planet.

The Woodland Carbon Code

The Woodland Carbon Code (WCC) is the quality assurance standard for UK-based woodland creation projects hoping to create carbon offsets and is internationally recognised for its high values for sustainable forestry and carbon management.

The WCC generates independently verified carbon units, backed by the Government and experts within forestry and the carbon market. More information can be found on the WCC website: www.woodlandcarboncode.org.uk

It's important to note that the WCC is not a grant and allows woodland creation projects to benefit from blended finance models, which can help to pay for the associated costs of tree planting.

You must register your woodland creation project with the WCC before planting trees. For a new woodland creation project to be validated with the WCC, it must pass associated additionality tests – to ensure the project would not have gone ahead without funding from carbon offsetting, or the desire to make income from that source. More information can be found on additionality by visiting: www.woodlandcarboncode.org.uk/standard-and-guidance/1-eligibility/1-6-additionality

Why act now?

Never has there been a more important time to plant new woodland to help tackle the climate emergency. By planting more trees, and protecting existing woodland, together, we can help counteract some of the harmful effects of greenhouse gas emissions.

For guidance on woodland creation and information, visit: [woodland creation overview](#)

Change suggested by respondent:

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Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Not specified

Attachments: None

99435

Comment

Respondent: Natural England (Miss Emma Hurrell, Lead Adviser) [21912]**Date received:** 19/12/2022 via Email**Summary:**

Natural England commend the consideration of our comments during the initial consultation on the NMWLP in 2018, which has resulted in the removal of MIN 71 and MIN 204 as they are considered unsuitable due to the potential for adverse effects on designated sites.

Change suggested by respondent:

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Legally compliant: Not specified**Sound:** Not specified**Comply with duty:** Not specified**Appear exam:** Not specified**Attachments:** Natural England submission full text - <https://norfolk.oc2.uk/a/svmg>

99482

Object

Respondent: The Lyndon Pallett Group Ltd [21973]**Agent:** PDE Consulting Limited (Mr George Massingham, Consultant) [21972]**Date received:** 19/12/2022 via Email**Summary:**

1. Context

1.1 I am writing on behalf of our client The Lyndon Pallett Group in respect of the above consultation. A representation was previously made by Small Fish Strategy Consultants on behalf of our client during the original 'Call for Sites' exercise held in 2017 in which three potential extensions were put forward for inclusion in the Norfolk Minerals and Waste Local Plan in relation to their existing operations at Feltwell Quarry, Lodge Road, Feltwell, Norfolk, IP26 4DR.

1.2 During the initial consultation period the Feltwell Quarry extension site ('the Site') was assigned the reference MIN 204. Following submission, concern was raised by Natural England relating to the proximity of the Site to the Breckland Forest SSSI and the Breckland Special Protection Area (SPA). An updated submission was therefore made on behalf of our client which removed from the proposal the parcel of land which was situated closest to the boundary of the Breckland Forest SSSI. The amended proposal for the Site combined an area of 10.4 hectares with an estimated workable deposit of 575,000 tonnes.

1.3 Following this updated submission, Natural England as statutory consultee, did not agree that the Site should be 'screened in as suitable' under the Habitats Regulations citing at that time the recent (April 2018) Court of Justice of the European Union case of People over Wind v Coilte Teoranta which had just been determined and held that mitigation measures should not be factored in at the screening stage to determine whether an appropriate assessment is needed under the Conservation of Habitats and Species Regulations 2017. Norfolk County Council (NCC) therefore excluded the site for this reason within the Preferred Options Consultation Document on the following basis:

1. "Due to the proximity of the site to the Breckland Forest SSSI (part of the Breckland SPA), and the location of the site within the Protection Zone for Stone Curlews, there is the potential for unacceptable adverse effects on the SSSI from the proposed mineral extraction."

2 "Whilst it may be possible to design and operate a site where there would not be any adverse effects on the SSSI or SAC, this uncertainty is a significant constraint to the development of the site and therefore the site is considered to be

less deliverable than other sites that have been proposed for extraction.”

1.4 The People Over Wind case, however, does clarify that mitigation measures can be taken account of as part of the appropriate assessment of a site which may be necessary under the Habitats Regulations and of course this consideration would take place at plan-making or planning application stage. At the stage when Natural England commented and when the legal position had just altered, NCC was advised by Natural England to take its own legal advice about the relationship of the judgment to sites which may require Habitats Regulations Assessments, and by implication, to progressing the site options for the Minerals and Waste Local Plan. The uncertainty appeared to be the motivation for NCC to reject the Site extensions despite its existing operation without adverse effects on the Breckland Forest SSSI and lack of evidence that there would be any future adverse effect.

1.5 We draw attention to the Government Guidance on the use of Habitats Regulations Assessments (22 July 2019) where advice is given as to what an authority can take account of at screening stage as to whether appropriate assessment is required; there are many project considerations that can be taken into account by the authority irrespective of nature conservation issues around safety, phasing, and visual impacts. The test for whether an appropriate assessment is required is whether a development is considered likely to have a significant effect on a protected habitats site. A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. However, we are aware that the guidance states that a risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment, but this should be based on 'objective information'. By way of reminder, if an appropriate assessment is required, mitigation measures which may be required to protect nature conservation interests within the protected area should then be taken into account.

1.6 Given the many benefits of the Site and in order to demonstrate that the stated uncertainty of NCC in respect of nature conservation in relation to the SSSI does not warrant exclusion of the Site's allocation, attached to this representation is an ecological assessment which has been prepared by Wilkinson Associates specifically addressing the reasons for non-inclusion of the Site in the MWLP which were relied upon during the Options stage consultation. This assessment is supported by an indicative block proposals plan relating to the amended 10.4 hectare site and a concept restoration scheme is provided illustrating how the Site could be worked and restored without adverse effects on the SSSI or SAC. The concept restoration scheme is provided to illustrate how the Site could be enhanced upon restoration and would also serve to support the SSSI and SAC and the protected species within; details would be provided at planning application stage.

1.7 It is submitted that these reasons for non-inclusion of the Site are not justified and are not supported by sufficient evidence which justifies the rejection of the extension to the existing quarry. As a consequence, the draft Minerals and Waste Local Plan (MWLP) which is being put forward for adoption is not considered to be sound. I have elaborated more on the reasoning for this in the context of the relevant policy below. As it is the inadequate evidence upon which the earlier decision was taken to exclude the Site, it is important to analyse that evidence and that which counters it. In no small part it appears that the issue has been one of timing, where new European caselaw had just brought about a change in the law relating to application of the Habitats Regulations and assessment of potential impacts on protected sites. We are now in a position to provide the assessment work that is required under the Habitats Regulations.

1.8 In support of this, a geological investigation report has also been produced by Touchstone Geological Services Limited relating to the mineral deposit at the Site.

1.9 The aim of this representation is, therefore, to provide evidence and assurance that contrary to the previous Natural England uncertainty, from which NCC had taken their lead, the Site can be operated in a manner which would not result in any adverse effects on the SSSI or SAC and the plan is not sound without its inclusion and certainly not positively prepared. This shows that the assertions made by the local planning authority at the Options consultation stage are insufficient in their reasoning and have led to a conclusion which is now unsound.

2. Summary Position 2.1 Natural England's assessment of the Site is inadequate and not founded on evidence but

uncertainty as to the legal implications of new legal authority which led to an unjustified rejection of the Site. The reasoning for exclusion of an extension to an existing quarry which has been operating for over 60 years with no detrimental effects is thus flawed and the MWLP is not positively prepared.

2.2 Non-inclusion of the Site in the MWLP will result in a lack of sand and gravel production in the south of Norfolk after the existing Feltwell Quarry closes in 2024, with no further quarry allocated to replace the loss. This is not sustainable and will lead to additional HGV carbon miles, emissions from longer HGV trips, and amenity loss.

2.3 Non-inclusion of the Site in the MWLP is likely to result in a lack of sand and gravel for Norfolk through the middle of the plan period.

2.4 Where there is additional mineral to extract in adjacent land it is axiomatically the more sustainable option to extend an existing working quarry site than mobilise for a new quarry site unless there are overriding environmental or planning reasons that the extension land is not suitable.

2.5 There is an inconsistency between assessment of proposed site MIN 69 and the Site in respect of existing landscape screening. This leads to an erroneous conclusion of unacceptability of the Site and its exclusion from the MWLP.

2.6 There is an inconsistency between the consideration of proposed Site MIN 40, where mitigation of any potentially harmful ecological effects has been factored in so that the principle of the allocation of MIN 40 is accepted but the detailed mitigation will be dealt with at development management stage.

2.7 The combination of these factors means that without allocation of the Site, the draft MWLP is not sound and does not accord with paragraph 35 of the National Planning Policy Framework of July 2021 (NPPF) provisions [see Section 7 below].

3. Ecological Assessment

3.1 The ecological assessment produced by Wilkinson Associates is based upon two ecological surveys undertaken during May and July 2022. Jan Wilkinson BSc (Hons) MCIEEM, is an ecologist with more than 20 years' experience of undertaking ecological assessments and writing EclA reports for mineral extraction proposals. She has specific experience of assessing the impacts of mineral proposals on Stone Curlew populations in the Breckland area, having been the project ecologist for three successive applications for planning permission at another quarry which lies within the Breckland Farmland SSSI and Breckland SPA.

3.2 Ecological surveys undertaken included a Phase 1 Habitat Survey of the Site and its immediate surrounds including a search for any evidence of protected species or of habitats and species of principal importance. A careful search was made for any evidence of nesting or foraging Stone Curlews.

3.3 No nesting or foraging Stone Curlews were observed and no protected species were identified during either of the surveys undertaken.

3.4 The two proposed extension areas for the Site comprise flat arable fields of very low intrinsic ecological value. With regard to the suitability of the Site for Stone Curlews it is noted that both of the extension areas put forward for allocation within the MWLP are relatively small in size and surrounded by woodland. These factors make the Site unfavourable for Stone Curlew nesting. The reasons for this are elaborated upon further within the attached assessment.

4. Geology

4.1 A Geological Report and Mineral Resource Assessment dated December 2022 has been prepared by Touchstone Geological Services Limited in respect of the two proposed extension areas.

4.2 The Site is underlain by river terrace sands and gravels of the Pleistocene Anglian Stage (approx. 450,000 years old). The deposit is assigned to the Croxton Sand and Gravel Member. The sand and gravel rests on a bedrock of Upper Chalk, spanning Holywell Nodular Chalk and New Pit Chalk Formations.

4.3 The geological investigation work undertaken comprised of twelve 8" intermittent flight auger boreholes drilled across the two proposed extension areas. Samples of the drilling horizons were collected during the investigation and sent for laboratory grading analysis.

4.4 The topsoil is generally 0.3m thick and consists of a grey-brown, silty, humus-rich, gravelly, fine to fine/medium grained sand.

4.5 The uppermost sand horizon varies from 0.2 to 4.0m thick, averaging 3.0m. It comprises dark orange-brown, slightly silty, fine-grained sand with occasional lenses of sandy silt and rare pebbles of flint.

4.6 The main sand and gravel horizon varies from 1.0 to 5.0m, averaging 3.0m. It is a dark orange-brown, slightly silty, fine to fine/medium grained sand with 20-40% gravel. The gravel is predominantly subangular to subrounded, occasionally irregular flint up to 120mm but mainly sub 31.5mm. There is a significant brown, rounded quartzite component.

4.7 The lowermost sand horizon varies from 2.0 to 6.0m thick, averaging 3.0m. It comprises dark orange-brown and pale orange-brown, fine-grained sand with rare fine gravel stringers.

4.8 In terms of the total mineral reserve across the two extension areas the geological investigation reveals that the Site contains approximately 651,000 saleable tonnes of sand and gravel once allowance has been made for silt and appropriate standoffs and batter slopes. This is a slight refinement from the original plan representation made by Small Fish Strategy Consultants in which it was estimated that the two extension areas contained approximately 575,000 tonnes of sand and gravel.

4.9 Laboratory analysis of the sand and gravel horizons has shown that the mineral contained within the Site is suitable for a range of uses including as concreting aggregate and masonry mortar.

5. Working and Restoration Proposals

5.1 The current situation is illustrated on Drawing Number KD.FELT.D.002 which shows the Site's two proposed extension areas in relation to the existing quarry and surrounding woodland. Both areas comprise arable land. Drawing Numbers KD.FELT.D.003 and KD.FELT.D.004 illustrate the proposed block working and restoration scheme respectively.

5.2 With regard to the working of the extension areas it is proposed that these are worked in a phased manner in order to minimise the area of disturbance at any one time. The Site has therefore been subdivided into two phases, commencing with the larger field to the south of the existing quarry first before moving on to the smaller field to the west.

5.3 Phase 1 has been subdivided into two sub-phases commencing with the northern part of the field which will be worked in a northerly direction, before switching to the southern half which will be worked in a southerly direction. The purpose of working the Site in this manner is to create a void which is at a distance from any neighbouring receptors such that extraction operations can be undertaken at a lower level than neighbouring receptors as mineral extraction progresses north and south, thus limiting as far as reasonably possible any external impacts.

5.4 In terms of the duration of mineral extraction, it is estimated that, based upon the current rate of extraction from the existing quarry of 60,000 tonnes per annum (tpa) and the total mineral tonnage of 651,000t, that mineral extraction will take approximately 11 years to complete. A period would be needed thereafter to complete the restoration.

5.5 Advance scrub planting will be undertaken around the perimeter of the phased working areas to establish the transitional woodland edge habitats up front at the start of operations.

5.6 As mineral extraction is undertaken, this will be followed by progressive restoration involving the deposit of inert materials to allow the land to be returned to near original contours with restoration back to heathland with perimeter scrub and tree planting to provide transitional habitat into the surrounding woodland plantations. The aim of this scheme is to create a final landform that complements the Breckland Area and creates a landscape which is of greater ecological and biodiversity value than exists at present. An indicative restoration scheme is illustrated on Drawing Reference KD.FELT.D.004.

5.7 Based upon this evidence, it is clear that it was erroneous that the proposed extensions to Feltwell Quarry were assessed as unsuitable for allocation within the MWLP. As a result of the failure to recognise the extensions to Feltwell Quarry as suitable, the quantity of mineral available for extraction from the Site over the plan period would be lost, rendering the MWLP unsuitable for adoption. Further analysis on the lost opportunity is set out below.

6. Sites Carried Forward for Allocation – Relationship to and Comparison with Feltwell Quarry Extensions

6.1 In assessing the suitability of the Feltwell Quarry Site for allocation within the MWLP we have undertaken a comparative analysis of the sites which have been carried forward for adoption, focusing on the nature of the sites, their setting, and geographic distribution within the County. We have also considered the mineral provision made within the plan itself and the anticipated timescales over which this shall be delivered.

6.2 The MWLP has put forward 17 sites for allocation, of which 14 are allocated for sand and gravel, two are put forward for silica sand and one has been put forward for Carstone provision. Since Feltwell Quarry relates to sand and gravel extraction I have primarily focused on the 14 sites allocated for this purpose. The 14 sand and gravel sites put forward for allocation have a combined mineral reserve in the region of 18.32 million tonnes.

6.3 With respect to the total annual demand for sand and gravel the MWLP identifies a need to supply 1,506,000tpa of sand and gravel. This is based upon the previous 10 years' sales plus an allowance of 10% which is based upon increased mineral demand during the three year period between 2018 and 2020.

Distribution of Sites

6.4 It is widely recognised that mineral can only be worked in locations where it is found and it is accepted that this can lead to the clustering of sites within certain areas. However, when allocating sites suitable for mineral extraction, consideration must be made to cumulative effects of multiple mineral operations sited within close proximity to one another. There should be an attempt to distribute sites as equally as possible across the County in order to minimise cumulative effects, minimise road miles and serve market demand equally.

6.5 With regard to the distribution of sand and gravel within Norfolk, two key cluster points are identified within the MWLP allocations.

6.6 MIN 12 relates to a 14.9 hectare extension to an existing Quarry and is located on land north of Chapel Lane, Beetley. The Site contains an estimated reserve of 1,175,000 tonnes (t) of sand and gravel which is forecast to be extracted at a rate of 80,000 tpa. This would give the Site a lifespan of 15 years from the proposed start date of 2025. Within the same village Sites MIN 51/ MIN 13/ MIN 08 have been allocated. These relate to the proposal of a new sand and gravel quarry comprising an area of 39.65 hectares located on land west of Bilney Road, Beetley. It is estimated that the new quarry contains a reserve of 1,830,000t of sand and gravel which would be extracted at a rate of 70,000tpa for 7 years before increasing to 110,000tpa for the remaining life. At these rates, it is forecast that the site will have a lifespan of 19 years from the proposed start date of 2022.

6.7 It is important to note that these two sites have been put forward by different operators so cannot be assumed to

share any existing facilities.

6.8 When measured from boundary to boundary, these two allocated sites are separated by only 810m at their nearest point. This has the potential to result in significant in-combination effects upon local amenity within the village of Beetley and surrounding areas. Both sites will utilise the same transport network and the addition of a new quarry would result in an increase in HGV traffic and associated environmental disturbance to local residents when compared against the existing baseline. Given the proposed start dates and forecast output of these Sites there will be a significant overlap in operations of 16 years with a combined mineral output of up to 190,000tpa.

6.9 Another cluster of allocated sites has been identified within the Buxton/ Horstead area. These relate to:

1. MIN 37, which is a 23.5 hectare extension to an existing quarry located on land east of Coltishall Road, Buxton.
2. MIN 64, which is 10.2 hectare extension to an existing quarry located on land at Grange Farm, Buxton Road, Horstead.
3. MIN 65, which is a 52.48 hectare extension to an existing quarry located on land north of Stanninghall Quarry.

6.10 When measured from the centre, all three sites fall within approximately a 2km radius and therefore in combination effects may occur from the operation of all three quarries.

6.11 In terms of lifespan, all three are proposed to operate over a similar timescale, with MIN 37 and MIN 64 proposed to commence in 2022 and MIN 65 proposed to commence in 2024 and all three sites are forecast to be completed between 2035 and 2037. It is worth noting that planning permission has already been granted for these sites.

6.12 When considering the distribution of mineral reserves within the County, these sites together would produce in the region of 450,000tpa of sand and gravel. This is a significant apportionment of NCC's annual demand for sand and gravel, accounting for approximately 30% of the forecast total annual demand during the plan period.

6.13 Considering the matter of geographic distribution, it is clear that there is some unequal distribution within the plan allocations, with the area to the north of Norwich very well served by a number of allocated sites including MIN 37, MIN 64 and MIN 65. This cluster of mineral sites can partly be justified given the urban centre of Norwich to the south which is a major centre of building. However, it is likely that a portion of this mineral would need to be transported further afield to areas less well served by allocated mineral sites.

6.14 When considering MIN 12 and MIN 51/ MIN 13/ MIN 08, the need for two mineral sites in such close proximity is less clear as both of these sites are more geographically remote from Norwich, yet would still have a combined mineral output of up to 190,000tpa. It is highly likely, therefore, that mineral from these sites would need to be transported greater distances to the required destinations, representing a much less sustainable option when considered against a more equal distribution of allocations within the County.

6.15 On a similar note, the logic is questionable of allocating a new mineral Site in such close proximity to an existing Site which has also been allocated an extension. Significant disturbance occurs when establishing new mineral developments including the loss of habitats from the clearance of undeveloped land in addition to the expenditure of energy and materials needed to establish site infrastructure including offices and welfare facilities, as well as the provision of utilities and any access improvements.

6.16 When considered against the alternative of granting extensions to existing mineral developments there is a question over the deliverability and sustainability of new sites. Extensions to existing mineral developments do not require the same scale of disturbance as new sites as they often rely upon existing infrastructure and access, thus saving resources and removing the need for new access and facilities which can often be a cause for dispute.

6.17 Following examination of the MWLP policy map it is evident that parts of the south of the County are less well served relative to the north east of the County. The most southerly allocations are MIN 200, located at Carbrooke and MIN 25 located at Haddiscoe in the far east of the County. Consequently, populations within the south of Norfolk, including the population centre of Thetford are relatively under-served by new mineral development sites. Feltwell Quarry

is well placed to meet the needs of the south of the County and has good transport links to the urban centre of Thetford. However, mineral within the existing quarry is due to run out within the next 12 months, leaving a shortfall in supply within the area which it serves, and which would need to be met by new mineral sites located further afield. This represents a significant negative sustainability outcome, as the importation of mineral from more distant sites will result in an increase in HGV road miles and associated carbon emissions. An extract from the MWLP policy map is illustrated at Figure 1 below showing the distribution of allocated mineral sites in the southern half of Norfolk. The distribution of allocated sites with the extensions to Feltwell Quarry included is illustrated in Figure 2.

Figure 2: Extract from NCC MWLP Allocations Map including Feltwell Quarry

Figure 1: Extract from NCC MWLP Allocations Map

6.18 In addition, analysis shows that there were a number of quarries which used to operate within proximity to Feltwell and these included Lynford Quarry and Cranwich Quarry. The locations of these are illustrated on Figure 3 which comprises an extract from Google Maps.

Figure 3: Location of Feltwell, Lynford and Cranwich Quarries

6.19 It is understood that Lynford Quarry ceased trading and was restored in around 2008, with Cranwich Quarry closing a little earlier in around 2006. The important matter to consider here, however, is that all three of these quarries operated simultaneously serving aggregate demand within south Norfolk. However, now all that remains within this area is Feltwell Quarry, and at present, without the allocation of Feltwell within the MWLP, the supply of primary aggregate within this area will shortly cease altogether. This outcome is of critical concern and a MWLP that allows the distribution of sand and gravel quarrying to omit a significant part of the south Norfolk area cannot be justified as a sound outcome.

Constraints – Sensitive Areas and Mitigation Opportunities

6.20 In terms of the setting of the sites put forward into the MWLP we have undertaken an analysis of the constraints on these sites, including proximity to protected areas and the likelihood of disturbance from the sites should they become operational.

6.21 MIN 69 relates to a 16.86 hectare extension to an existing quarry, and is located on land north of Holt Road, Aylmerton. The extension contains an estimated reserve of 2,000,000t of sand and gravel, of which planning permission has already been granted for the extraction of 1,000,000t within the northern part of the site. The site has a history associated with mineral extraction and the existing quarry comprises land which was originally granted consent under an Interim Development Order (IDO) in the 1940s. With respect to its setting, the entire site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB).

6.22 In respect of mineral development within AONBs the National Planning Policy Framework states that when considering proposals for mineral extraction planning authorities should:

“As far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas.”

6.23 It has, however, been concluded by NCC during the production of the MWLP that the proposed extension at MIN 69 is suitable on landscape grounds in respect of the AONB due to the screening of the site from public views as a consequence of established planting around the perimeter of the site.

6.24 In this respect, the conclusions made by NCC in respect of MIN 69 are inconsistent with NCC's assessment of the landscape and visual amenity of the Feltwell Quarry extension proposals. Wilkinson Associates have undertaken an assessment of the Site which concludes that the Quarry is well screened from the Breckland Forest SSSI and SPA and the Breckland Farmland SSSI owing to the presence of established plantation woodland. NCC's treatment of MIN 69 and the Site should be consistent, which they are not at present; the assessment of the Site should be rectified to reflect its suitability within the receiving landscape as it is unjustifiable in ignoring the existing mature planting.

6.25 In terms of impacts upon SSSIs, MIN 40 which relates to land east of Grandcourt Farm, East Winch, located

approximately 740m away from the nearest SSSI, East Winch Common. It is noted within the MWLP that the potential exists for impacts from dewatering to impact the wet woodland within the SSSI. However, for this site it has been accepted that this could be addressed at the planning application stage through the submission of an assessment of hydrogeological impacts and mitigation measures.

6.26 In this regard, it is apparent that there is not consistency between the treatment of MIN 40 and Feltwell Quarry. The proposed allocation of MIN 40 has been carried forward taking into account future assessment to allow measures to be approved to mitigate any potential impact upon the SSSI. In respect of Feltwell, and with a lack of consistency, NCC asserted that the allocation of the extensions were not suitable, but accepted that a suitable working scheme for the Site could be put forward.

6.27 The attached ecological assessment provided by Wilkinson Associates demonstrates that mitigation measures can be achieved for the Site. It is irrational for the extensions to Feltwell Quarry to be rejected and the plan is thus unsound. This is explained further in the section on 'Soundness' below.

Timescales

6.28 In examining the sites put forward for allocation within the MWLP we have taken note of the anticipated lifespan of the sites which have been proposed for allocation (as described above). Having taken into consideration the proposed start dates and anticipated lifespan of the developments it is notable that there will be a slight reduction in mineral production towards the middle of the plan period. This is because virtually all of the proposed allocations are planned to commence towards the start of the plan period (2022-2025). This means that as the shorter life developments end, overall mineral production will decline as only one site (MIN 208) is planned to commence later within the plan period.

6.29 If the Feltwell extensions were to be allocated within the MWLP this would help to bridge a gap within the centre of the plan period following the cessation of extraction from the shorter-lived sites prior to the commencement of further extraction later within the plan period. The proposed extensions to Feltwell would represent a mid-range in terms of lifespan, operating for approximately 11 years from a start date of 2024 when mineral extraction would cease within the existing quarry.

Mineral Production Shortfall

6.30 With regard to mineral production, the MWLP makes provision for 1,506,000tpa of sand and gravel production over the plan period. This demand figure is based upon sales during the period 2011 to 2020 plus an allowance of 10% in order to account for increased mineral demand during the three year period between 2018 and 2020. It is, however, recognised within the industry as a whole, that there is an ongoing decline in permitted aggregate reserves nationally.

6.31 The Mineral Products Association (MPA) recently published a report titled Aggregates Demand and Supply in Great Britain: Scenarios for 2035. Within the report the MPA note that the decline in permitted reserves for primary aggregates urgently needs to be addressed within the next 15 years. Demand projections suggest that, by 2035, some 277 to 323 million tonnes of aggregates will need to be supplied each year. This means that between 3.8 and 4.1 billion tonnes of aggregates will be required between 2022 and 2035, compared with a total of 3.2 billion tonnes of aggregates supplied in the previous period, between 2008 and 2021.

6.32 In Britain as a whole for the past decade, for every 100 tonnes of sand and gravel produced from permitted reserves, only 63 tonnes have been replaced through new planning permissions.

6.33 Whilst there is an element of uncertainty within the MPA forecasts due to future changes in economic output and changes in industry practices which may impact the demand for aggregate, it is still predicted that aggregate demand will increase over the next 15 years. This is based on the general resilience of the construction industry to recent economic uncertainty and government investment in upcoming infrastructure projects.

7. Assessment of Soundness

7.1 For the MWLP to be carried forward for adoption it must be considered to be fully sound. The concept of 'soundness' is not defined in legislation. However, section 19(2) of the Planning and Compulsory Purchase Act 2004 provides that in preparing the development plan, the local planning authority must have regard to (inter alia) national policies issued by the Secretary of State. They would include the NPPF of July 2021.

7.2 Soundness is defined at paragraph 35 of the NPPF.

7.3 It is considered that the dismissal of the proposed extensions to Feltwell Quarry means that the MWLP fails to meet the test of soundness for a number of reasons which I have set out under the NPPF headings below.

Positively Prepared

7.4 As stated previously, when considering the geographic distribution of allocated sites within the MWLP it is clearly evident that there is a lack of sites put forward for allocation within south Norfolk. Historically, aggregate demand within south Norfolk was met by a combination of aggregate produced from Feltwell, Lynford and Cranwich quarries. Since the completion of mineral extraction from Lynford and Cranwich, only Feltwell remains to serve this area. Without the allocation of extensions to Feltwell Quarry this site will also cease mineral production in the near future, leaving the aggregate needs of south Norfolk unmet by local production. As a result, in future, aggregate demand within south Norfolk will need to be met from more distant sites which is a far less sustainable option than supplying aggregates locally, and therefore not consistent with the overarching objectives of the NPPF.

Justified

7.5 The Preferred Options Consultation Document cites the proximity of Feltwell to the Breckland Forest SSSI and the location of the Site within the protection zone for Stone Curlew as the primary reason for non-inclusion within the MWLP. The ecological assessment of the Site produced by Wilkinson Associates has demonstrated that the Site itself is of low intrinsic ecological value and due to the small size of the proposed extensions and their enclosure by woodland plantations, they are likely to be unsuitable for nesting by Stone Curlew. In addition, no Stone Curlew were observed during ecological surveys.

7.6 As a consequence, there is no substantiated evidence that temporary use of this land for the proposed mineral extraction and restoration operations is likely to be detrimental to Stone Curlew populations. Anecdotal evidence provided within the ecological assessment from another quarry in proximity to the SPA also demonstrates that Stone Curlew are not adversely disturbed by quarry operations.

7.7 Focusing more specifically upon the Breckland SPA and the Breckland Forest SSSI, the existing Quarry has operated within the area for a significant number of years. The proposed extensions are located further from the Breckland Forest SSSI than the existing Quarry and are afforded significant screening from the wider surrounds by established plantation woodland and hedgerows to all perimeters. The issues of effects on visual amenity and potential ecological effects both need to be considered.

7.8 It is clearly evident within the MWLP that visual screening through established planting is deemed to be acceptable mitigation when allocating sites suitable for sand and gravel extraction. In the assessment of MIN 69 it has been accepted that the site will not impact visually upon the Norfolk Coast AONB due to the screening of the site from public view. This is in spite of the fact that the site itself is located within the confines of the AONB.

7.9 Similarly, in terms of potential effects on ecology, NCC has accepted MIN 40 for allocation despite the potential for dewatering to impact the wet woodland within the East Winch Common SSSI, located approximately 740m away from the site. It is accepted that at the planning application stage an assessment of the potential for negative consequences can be mitigated by scheme design. The same approach should be taken to the Site at Feltwell.

7.10 In light of the above, it is considered that the grounds for non-inclusion of the proposed extensions to Feltwell Quarry are unjustified and moreover the evidence provided within this submission demonstrates that the Site can be allocated without detrimental impacts upon the Breckland SPA, Breckland Forest SSSI and Stone Curlew.

Consistency with National Policy

7.11 With regard to national policy it is considered that the dismissal of Feltwell Quarry from the MWLP is not consistent with national policy. Feltwell Quarry is an established minerals and waste development site which has been in operation for a significant number of years and the proposed extensions would allow the continuation of the supply of aggregates from the Site to support the local economy and construction industry. This will also preserve skilled employment at the Site. Without the allocation of the extensions within the MWLP the mineral reserve at the existing Quarry will shortly be exhausted and the Site will close following the completion of restoration operations. This will result in the loss of mineral provision to the local area, meaning that it will need to be imported from further away with the consequential increase in HGV movements, increased traffic on the highway network, increased carbon miles and emissions to air. This represents a significantly less sustainable option when compared to a continuation of an established mineral site to serve south Norfolk.

7.12 Given the established and continuing operations at the Site, the proposed extensions represent an effective use of land, making use of the existing site facilities and it is well recognised that extensions of existing quarries are a more sustainable alternative than initiating a new mineral development elsewhere. In addition, in the long term, following any necessary mitigation measures during operations, the restoration of the Site would allow for biodiversity net gains to be provided to the area which would be complementary to the nearby SSSI and SPA, enhancing the Site from its present low value condition.

7.13 Finally, as mentioned previously, historical mineral demand within south Norfolk was met by aggregates produced at Feltwell, Lynford and Cranwich quarries. With the cessation of mineral extraction from Feltwell, no primary aggregates will be produced within this part of the County from the end of 2023, based upon the predicted remaining life of the Site. The cessation of mineral extraction will mean that there will be no primary aggregate production within this part of Norfolk and aggregate demand within the locality will need to be met from more distant sites, resulting in an increase in HGV road miles and associated carbon emissions which is at odds with the principle of sustainable development as defined within the NPPF.

8. Conclusion

8.1 In light of the evidence provided it is clear that the MWLP which is presented for adoption lacks soundness due to a number of factors. Ecological assessment of the proposed extensions to Feltwell Quarry demonstrates that the Site is not suitable for nesting by Stone Curlew owing to the size of the Site and the perimeter plantation woodland which provides excellent screening from the nearby SSSI and SPA. The allocation of the proposed extensions will not result in any adverse impacts upon the SSSI or SPA nor Stone Curlew populations. In preparing the MWLP NCC has reached similar conclusions elsewhere, allowing the allocation of sites where screening is deemed to be appropriate grounds for allocation of a site within an AONB and where impacts upon a SSSI are not clear.

8.2 Geographical distribution is also an important factor to consider and without the allocation of extensions to Feltwell Quarry, there will be a lack of primary aggregate production within south Norfolk, with historical sites not replaced within the new plan and the spatial distribution of sites located further north within the County and in proximity to Norwich.

8.3 It is considered, therefore, that the proposed extensions to Feltwell Quarry should be carried forward into the new MWLP and failing to do so would mean that the MWLP is unsound with resulting detriment to aggregate supply within south Norfolk. For this reason, we ask that Feltwell is included in the MWLP.

Soundness : Not Justified, Not Positively prepared and Not Consistent with National Policy

Change suggested by respondent:

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Legally compliant: Yes**Sound:** No**Comply with duty:** Yes**Appear exam:** Appearance at the examination

Oral exam why: To discuss the allocation of Feltwell Quarry within the minerals and waste local plan as a site suitable for sand and gravel provision within the County. The reasons why we consider the Site to be suitable for allocation are set out within the attached covering letter.

Attachments: KD.FELT.D.001 Location Plan - <https://norfolk.oc2.uk/a/svz6>
 KD.FELT.D.002 Current Situation - <https://norfolk.oc2.uk/a/svz7>
 KD.FELT.D.003 Block Proposals Plan - <https://norfolk.oc2.uk/a/svz8>
 KD.FELT.D.004 Concept Restoration - <https://norfolk.oc2.uk/a/svz9>
 Feltwell Quarry Proposed Extensions allocation: Ecological Assessment - <https://norfolk.oc2.uk/a/svzb>
 GM.049 letter representation no signature.pdf - <https://norfolk.oc2.uk/a/svzh>

99516**Comment****Respondent:** Historic England (Ms Debbie Mack, Historic Environment Planning Advisor) [17619]**Date received:** 14/12/2022 via Email**Summary:**

Sustainability Appraisal

We do not have the capacity to review the Sustainability Appraisal report in any detail but did note that for a number of sites including MIN 96, 40, 207, 25 and 65) significant negative effects ((-) were identified but there was no explanation of these effects, simply a comment that a heritage statement would be required at application. It is our view that wherever possible appropriate mitigation should be identified at this stage through an HIA to inform the Local Plan policy.

Change suggested by respondent:

-

Legally compliant: Not specified**Sound:** Not specified**Comply with duty:** Not specified**Appear exam:** Not specified

Attachments: Appendix A table of Historic England representations - <https://norfolk.oc2.uk/a/svzz>
 Historic England response letter - <https://norfolk.oc2.uk/a/svn9>

99531**Object****Respondent:** Dr L David Ormerod [21890]**Date received:** 16/12/2022 via Paper**Summary:**

The Special Case of Shouldham Warren

AOS E contained Shouldham Warren, an elevated area of 372 hectares (919 acres) which has provided a unique, safe, wooded, hilly, open access. Forestry Commission environment for a great variety of recreational pursuits for West Norfolk residents for 2-3 generations. It is situated at the Fen Edge, within the River Nar Core River Valley (MP5) (as shown by the NMWLP Revised Polices Maps, December 2017, p. 99) adjacent to the River Nar SSSI and to several

monasterial heritage assets. The northern Warren drains into the River Nar. AOS E was situated in the intervillage between four communities, Shouldham, Marham, Wormegay and Shouldham Thorpe. The Warren is also used extensively by a great many citizens in West Norfolk for recreation. Furthermore, Shouldham Warren had been specifically exempted from silica sand safeguarding (MP11) and (together with east Bilney Wood) is shown as a negative lacuna on the Norfolk silica sand safeguarding map; this is not mentioned in the Local Plan archive.

Nature of the Public Usage of Shouldham Warren

The breadth of recreational usage of Shouldham Warren is not included in Plan documents. This includes access by mobility vehicles and prams, picnicking, kite flying, childrens' play, walking, Cycling, horse riding and harness driving, dog walking, school trips, birdwatching, running and athletic training, orienteering, photography, by naturalists, and includes regular sports events such as Ryston Harriers, Norfolk Orienteers, Kings Lynn Mountain Bike Club, City of Norwich Athletics Club, Norfolk Athletics Cross Country, and Ramblers walks. The Warren is highly varied, tranquil, safe, large, and with plenty of parking. The environmental, archaeological, and heritage status is considered in Plan documents. The mixed forestry that comprise most of the site has received new emphasis (2021) with the National and County forestry campaigns to plant millions of trees to aid the amelioration of global warming. In Policy MP2 which provided relative protection for "ancient" woodland. the word ancient has recently been deleted by the N.C.C. cabinet to protect woodland in general.

NPPF paragraph 98 reads, "Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based upon robust and up to date assessments of the need for open space, sport and recreation facilities.. and opportunities for new provision.

Section 99 continues, "Existing open space. sports and recreational buildings and land. including playing fields should not be built upon unless (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location."

As the recreational jewel of West Norfolk within a badly scarred regional environment with a local road system unsuitable for recreational pursuits, and where no realistic alternatives exist, it is surprising that the proposition of AOS E as a silica sand extraction candidate survived for so long. I believe that the Shouldham Warren should have been declared off-limits to all development. including mineral developments, as it provides an absolutely unique and traditional environment for West Norfolk country recreation. Neither should the Warren ever have been under consideration for inclusion on the silica sand safeguarding map as its public utility predated the mineral safeguarding process by 50-60 years; a safeguarded site cannot subsequently be safeguarded for a different purpose. This was not "justified", "evidenced", nor "consistent" with national planning policy.

The true commitment of the Council to consider the public interests of the local residents and regional users in a representative area of search can be gained by examining the N.C.C. cumulative silica sand extraction website with regard to AOS E. About 2 years ago (a timepoint when AOS E was apparently already cancelled, but unrevealed) I read the 179 documents then on the N.C.C. silica sand website that directly informed the process. In no document was it mentioned that Shouldham Warren had been a major public recreational venue for at least 2 generations. A public interest was never mentioned other than as a bland response to Initial Options "consultations," such as the Ramblers statements just being "noted." Indeed, the first mention of recreational use in any official capacity was in the NMWLP Publication document itself in May 2022. I wrote a detailed letter to Mr. Tom McCabe over this issue in May 2020, including the outlining of substantial data, but I received no substantive reply. It certainly was never considered in the Monitoring Framework (section 8 of the Minerals and Waste Core Strategy) and is just not included in the NMWLP Statement of Consultation document, May 2022. The Surveying Authority has, for reasons that are not apparent) clearly sought to avoid the extensive public recreational usage of Shouldham Warren during deliberations over this Local Plan. This may not be legally uncompliant, but certainly fails all the criteria adduced under soundness.

Public Rights of Way

Further insight into the NMWLP assessment of Shouldham Warren was the refusal to accept detailed historical evidence for 10 old public ways on or adjacent to the Warren, despite the County statutory obligation to continuously keep the Definitive Map under review. NMW advised that they would consider these public ways only when they were officially sanctioned although the evidence was supplied to them. With up to a 20-year backlog accumulated at N.C.C. Legal Orders and Registers over this unfunded mandate, the Warren may have been extensively mined by then. This sense of unreality was brought to the attention of N.C.C, without an effective reply. It is suggested that the SCI is modified to include the responsibility of the County to fully update PROW in areas proposed for minerals extraction as part of the adjudication.

Ignoring the valid and extensive public land-use interests in Shouldham Warren that had continued for more than 2 generations before the establishment of silica sand safeguarding, and when N.C.C. had exempted the Warren from this regulatory rule-making, is "unjustified", "not evidence-led," is "based on (the absence) of joint working", and is "inconsistent with national planning policy." The avoidance of recognition of the public land-use status of Shouldham Warren in all relevant Local Plan documents over at least a 12-year process, when the facts were fully known, and repeatedly affirmed, is an affront to "legal compliance."

Soundness test: not effective, not positively prepared, not compliant with national policy

Change suggested by respondent:

-

Legally compliant: No

Sound: No

Comply with duty: No

Appear exam: Appearance at the examination

Oral exam why: I have endeavoured to provide detailed support for these views. It is probably important to support those challenged by the MPA.

Attachments: Dr D Ormerod full text submission B. Public representation - <https://norfolk.oc2.uk/a/svns>

Statement of Consultation, Statement of Consultation

99514

Object

Respondent: Dr L David Ormerod [21890]

Date received: 16/12/2022 via Email

Summary:

Avoidance of Public Accountability and Inaccuracy of MPA Responses to the Consultation Submissions:

The elicited contributions from the two rounds of "consultee" contributions and from the two rounds of public "commentaries" are reproduced in a variable, abbreviated format in the May 2022 document, the NMWLP Review Statement of Consultation. Given the selective nature of the issues reported, it is surprising how often they are disregarded or misrepresented in the attached MHA commentary. The odd infelicity is of little significance, but this occurs on an unacceptable number of occasions. It is regrettable that such instances have not been edited from the document as it calls into question whether this reflects internal agendas?

It is difficult to be certain of the implications, particularly as the public contributions, in particular are presented in a manner which is particularly difficult to interpret. Action items are usually presented as brief, aggregate comments from which it can often be observed that important critique is omitted. Specific aspects, including such examples, are discussed in greater detail elsewhere. Here, a brief listing is provided limited to discussions of minerals process and of individual site considerations. The principal source (as per MPA) of the action item(s) is stated, with headline subject and page number given. Elsewhere, it is shown that public comments are given far less weight than those of 'official' consultees, and there is little MHA response that can be shown to be directly associated with public submissions. The list presented is not comprehensive as there are undoubtedly missing examples, on a random basis.[see representation 99528 for list]

Immediate problems include the absence of recognition of local public concerns and the failure to recognize recreational public land-use issues. As we shall see later, the NMWLP planning has almost completely ignored the interests of local and regional communities throughout the 13-year history of this Plan. The NMWLP document, 2022, under review, furthermore, has failed to give due recognition and has essentially suppressed the submitted views of 4,500 local citizens who submitted statements that they systematically used the Shouldham Warren area (AOS E and SIL 02) for recreation as an open access site. It will also be shown that worrisome facts that are inconvenient to the MH/\ have been deliberately suppressed.

Soundness test: not effective, not positively prepared, not consistent with national policy.

Change suggested by respondent:

The Statement of Community Involvement (SCI), Section 2.1.6 inhibits public comment to the two brief "consultation" periods. The section states that public comments and (officer-) comments will be maintained on the County Councils e-planning website. This happened for the first 2018 consultation, but it took 2.5 years for the second 2019 consultation statements to be published, at "five minutes to midnight", and there is no institutional response and no evidence that they have been taken into consideration (e.g. N.C.C Cabinet document, December 10, 2019, M&WLPR - Preferred Options Consultation) in contravention of undertakings under the Statement of Community Involvement. The Local Plan procedures have taken 3 years (including COVID) after the Preferred Options Consultation. Section 2.1.5.4. of the S.C.I. determined that a consultation deadline does not mean that "comments received after the deadline will be ignored. The deadline is the date by which we guarantee we will have not determined the application, and so any comments made in that time will be considered. If you submit comments after the deadline date, but before we have determined the application, we will consider your comments." In fact, N.C.C. insisted on the 'consultation deadline date' as the cut-off point. As the Statement of Community Involvement provides much of the structure of the Local Plan processes, it is important that the County Council modify this foundation document to provide full and systematic assessment of public views, including public meetings involving all adjacent village and town communities at an early opportunity. This will be discussed further in a separate review of AOS-E experience. The SCI is presently due for revision under the Norfolk Minerals and Waste Development Plan, October 2022.

Legally compliant: No

Sound: No

Comply with duty: No

Appear exam: Appearance at the examination

Oral exam why: I have endeavoured to provide detailed support for these views. It is probably important to support those

challenged by the MPA.

Attachments: Dr D Ormerod full text submission A. process soundness - <https://norfolk.oc2.uk/a/svn4>

99528

Object

Respondent: Dr L David Ormerod [21890]

Date received: 16/12/2022 via Paper

Summary:

6B. Avoidance of Public Accountability and Inaccuracy of MPA Responses to the Consultation Submissions:

The elicited contributions from the two rounds of "consultee" contributions and from the two rounds of public "commentaries" are reproduced in a variable, abbreviated format in the May 2022 document, the NMWLP Review Statement of Consultation. Given the selective nature of the issues reported and the importance of public accountability, it is surprising how often the "public commentaries" are disregarded or misrepresented in the attached MHA response. The odd infelicity is of little significance, but this occurs on an unacceptable number of occasions. It is regrettable that such instances have not been edited from the document as it calls into question whether this reflects internal agendas?

It is difficult to be certain of the implications, particularly as the public contributions, in particular, are presented in a manner which is particularly difficult to interpret. Action items are usually presented as brief, aggregate comments from which it can often be observed that important critique is omitted. Several specific aspects are discussed in greater detail elsewhere. Here, a brief listing is provided that is limited to discussions of minerals process and of individual putative site considerations. The principal source (as per MPA) of the action item(s) is stated, with headline subject and page number given. Elsewhere, it is shown that public comments are given far less weight than those of 'official' consultees, and there is little MPA response that can be shown to be directly associated with public submissions. The list presented is not comprehensive as there are undoubtedly missing examples. on a random basis.

Page 44. Natural England request that sites involving agri-environmental schemes consult Natural England early on. The MPA replies, No Action Required, as it does not affect them misconstrued.

Page 47. Historic England request formal Heritage Impact Assessment on mineral sites under consideration. The MHA did not explain why a "proportionate level of assessment" had been preferred, and what this meant.

Page 47. Historic England: Comments on policy MP3 - overlooked.

Page 47. Historic England: Comments on the lack of representation for non-designated heritage assets, and regarding the removal of areas unsuitable for extraction from the safeguarded map. These are ignored as the potential mineral extraction sites are reported to be removed from consideration. The two issues are not connected with the site withdrawal.

Page 48. Historic England support improvement of presentation by the use of bullet points. The MPA report that bullet points are replaced with lower case letters. These remain rare in the cumulative document.

Page 49. CATTs: "NCC M&WLP 'Vision' and policies WP1 and WP2, Objectives WS0.2.4.6 and MSO 2.3.8 and 1 (are) not sound because (they) make no mention or plan for the recycling of glass before extracting raw material". The MPA answer fails to answer the questions.

Page 50. Individuals: "This plan is not compliant with DEFRA's 25-year Plan, with BEIS Clean Growth Strategy, or NPPG refs 27-012, 013, 017, and 045-201403, or NPPF guidance to look to recycle before extraction of raw materials." No comment was offered by the MPA.

Page 50. Individuals: "NCC is failing to recycle before extracting raw materials and therefore the plan is not sound and NCC fails their own sustainability objectives SA1, SA3, SA4, SA5, SA6, SA8, SA9, SA11 and SA13 on page 9 of the Sustainability Appraisal Report - Part A - Scoping (Oct 2015) and pages 15-16 of Part B (Jun 2019)." No comment was offered by the MPA.

Page 51. Individuals x2: In total, 13 bullet points are recorded from two submissions. Statements are reported - without the supporting evidence that had been provided. None of the 13 are answered, amongst the circumlocutions. Among the latter was a statement that the consultation process exceeded the requirements of the Norfolk Statement of Community Involvement. This is challenged elsewhere, but the failure even to mention the extensive long term public utility of

Shouldham Warren in any of the formidable collection of study documents over the period 2010 - May 2022 is a failure to respond to the interests of the West Norfolk public. This implies a major infringement of this informing document.

Page 52. The MPA: The MPA claim to "set out full (Consultation) Feedback Reports for each (Options cycle) stage." This was untrue. Only a flimsy and unaccountable version has been offered for the Preferred Options stage. This is another major infraction of the process set out in the Statement of Community Involvement. In addition, the latter document was delayed for three years despite the hollowness of the MPA response, presenting the MPA response to the public concerns, without public notification. and at the last possible moment after a 12-year process.

Page 52. "The MPA state, "...an appropriate method to signpost consultations is to supply parish councils... with the details of consultations, so that they can cascade information to parishioners in the way that they consider most suitable." This expectation was an abject failure, and still NCC insist that this methodology is retained in the Statement of Community Involvement. It does remain the NCC and MPA responsibility to fully inform the public (NPPF), not a parish clerk unversed in matters of major regional planning. The MPA accepted responsibility of informing only those residents living within 250m of a site boundary, leaving the vast majority of public interested parties uninformed. Is this a casual error or a deliberate attempt to disengage from most of the public?

Page 57. When talking of biodiversity (as well as ecological or arbocultural) net gains as the consequence of a policy decision, there has to be a baseline against which to judge, with hopefully the original and the consequent measurements undertaken with the same methodology. It does not appear that such assessments in the Plan are properly grounded.

Page 58. CATTs. None of the several points made regarding the regulatory status around glass recycling are answered.

Page 59. Two more contributions from CATTs are again not answered. The replies may basically be sound in their own right. but are designed to be evasive.

Page 64. Norfolk CPRE are concerned that sustainability could be used as an argument to allocate otherwise unsuitable sites. This is just not answered.

Page 67. Broads Authority, and others. A suggestion is made to reference the Institute of Lighting Guidance Notes for the Reduction of Obtrusive Lights, but the answers contain no acknowledgement.

Page 70. The Environmental Agency advises that underwater abstraction licensing legislation in which dewatering water would normally be returned to the same aquifer within "a short time period" THE NMWLP still talks of a "timely" period, which is not the same. They go on to discuss the spatial set asides from various water bodies. There was no acknowledgement and it is not included in the NMWLP, 2022.

Page 72. Broads Authority: The MPA acknowledges protection for important outdoor recreation sites, but have perennially failed to recognise that Shouldham Warren had that status.

Page 114. Mineral Products Association: In reply, the MPA makes the statement. "The NPPF makes a specific link between silica sand supply and the production of the plant that it is supplying." I cannot find specific authority for this statement in the NPPF. The MHA may be relying on paragraph 11(a), when it states, "all plans should promote a sustainable level of development that seeks to meet the development needs of their area." The more likely authority is paragraph 214, which includes. "Minerals planning authorities should plan for a steady and adequate supply of industrial minerals." I have not found a specific statement regarding the local silica sand processing plant in either the NMWLP or in its Minerals Guidance document. This statement occurs many times in the Plan documents. If an original authority exists, it should be identified, but it is not the NPPF.

Page 121. Norfolk Wildlife Trust made the point that County Wildlife Sites should not incorporate mineral extraction sites. The MPA states that as County Wildlife Sites are a county and not a national entity that they are not immune from minerals mining. I have not seen any rule-making that supported this differentiation. County Wildlife sites are often small and therefore particularly liable to disruption from mining activities.

Page 122. The Borough of Kings Lynn and West Norfolk quotes the N.C.C. Environment policy to support the withdrawal of the word, "ancient" that was used to qualify woodland protection. They suggest this change owing to important climatic considerations. We have seen elsewhere that the N.C.C. cabinet had declared this same rule change, but which is not included in the NMWLP, 2022, for some reason - with the purpose of systematically enhancing the level of woodland protection.

Page 128. CATTs: "This policy fails to address the other (historical) potential cumulative impacts on the area." The MPA states, "...taking into account the impact of the proposal in conjunction with other existing, permitted or allocated mineral extraction sites." This entirely contradicts NPPG Minerals Guidance (October 2014), paragraph 214(c). This states, in reference to NPPF paragraph 17, "some parts of a mineral planning authority area may have been subjected to successive mineral development over a number of years. Mineral Planning Authorities should include appropriate

policies in their minerals local plan, where appropriate. to ensure that the cumulative impact of a proposed mineral development on the community and the environment will be acceptable. The cumulative impact of mineral development is also capable of being a material consideration when determining individual planning applications." The MPA policy in this regard seems unsound and not legally compliant.

Page 131. CATTS: In a discussion of the restoration and after care of old mineral mining sites, there is an obligation to obtain planning application for certain restorations. In a matter with potential public interest, it is germane to note that the district planning procedures have no obligation to inform the interested public of planning issues. in the absence of a Strategic Environmental Assessment request.

Page 132. CATTS: The MPA gives a misleading depiction of the Bawsey Lakes, a huge area of post-silica sand mining blight in Bawsey, incorporating 8-10 residual lakes. It is nominally a County Park, yet large areas are fenced off for heavy metal contamination, sinking sands, severe pollution, dangerous underwater obstructions and there are large expanses of unremediated acid sand.

Page 209. Norfolk MPA: AOS E was cancelled as an AOS and three reasons were given: (i) MOD concerns over increased bird-strike risk at RAF Marham; (ii) the severity of heritage risks referent to Pentney Priory and the Wormegay assets; and (iii) Shouldham Warren being a public open space forming significant part of the higher ground. It is not clear whether the three factors can be relied upon alone. We have seen that for the entire 12-year process, the MPA has refused to consider Shouldham Warren as the critically important public recreational area that it has long been. This can only be purposive - a deliberate pretence. As we have seen above, public recreational areas are protected sites. and so it is apparently important for the MPA to avoid this recognition. Does the MPA have an alternative explanation for their absence of a defence of Shouldham Warren over a 12-year period? The issue is very likely to be "the higher ground" which would assure, if significant silica sand deposits do exist on Shouldham Warren, that they could be mined without creating a water course and increasing bird-strike risk for RAF Marham.. The unique public recreational landuse interests at Shouldham Warren have been established over 2 to 3 generations and are of crucial public value because of the widespread loss of landforms over several hundred years of sand extraction in West Norfolk. It remains very important that the priority of the public recreational land-use of Shouldham Warren be finally recognized by the MPA and by N.C.C., as otherwise it can be expected to be a target of specific applications under the proposed "criteria-based policy" - with all matters sent directly into the district planning procedures, where public issues likely have reduced standing.

Page 210. NCC Natural Environment team, and others: The abandonment of AOS E is used as an excuse to avoid consideration of the environmental and climatic regulatory implications of, "this "large block of woodland within a largely arable landscape that forms a connecting feature with the woodland (that is) centred on West Bilney Wood, to the NE"

Page 210. CATTS and others: In consideration of a statement that parts of the Forestry Commission Plan for Shouldham Warren and West Bilney Woods, 2016-26, were being inhibited by conditions in the NMWLP. May 2022, this is answered by a reservation that Forestry England could comment if they wished. However, Forestry England as a nonministerial branch of central government is not free to contradict the planning of other Ministries, and particularly DEFRA (the parent ministry), and has formal duties to cooperate.

Page 210. CATTS and others: Concerns over River Nar Core River Valley protection garners the statement that AOS E does not include any land within the Core River Valley designation. However, the map on page 99 of NMW Development Framework, Revised Policies Map document, December 2017 suggests otherwise. If I understand it correctly (there is multiple overlapping hatching). Shouldham Warren is shown within the Nar Core River Valley. The north part of Shouldham Warren also drains into the River Nar. Core river valleys are strongly protected land forms.

Page 213. Borough of Kings Lynn and West Norfolk: The statement, "the site has the potential to cause emissions of PM10 and PM 2.5 which can effect the safety and health of local residents" is just ignored. Elsewhere. the MPA place all their eggs in one basket, by stating that there are no known reports of silicosis from silica sand mining amongst local populations (e.g. page 215/6). Silicosis is an industrial disease from regular exposure to silica dust in several industries such as hard rock mining. Silicosis is a fibrotic lung disease primarily limited to those situations. The harm caused by fine particulate material, however, is continuing to emerge, especially in road traffic pollution. There has been considerable recent interest in the increasing reports of health damage associated with the burgeoning proliferation of new sand mines in the USA to provide shale oil fracking sand. Downwind sites and the heavy dispersion on hot, windy days have been found to be important. Exposure is more likely as a periodic event. Residences, hospitals, schools, and residential care homes are likely the most sensitive receptors. A trained ecologist is best placed to identify the risks to flora and fauna. Good practice and site-specific mitigation with good site design can generally control the risks (IAOM Guidance on the Assessment of Mineral Dust Impacts for Planning, May 2016).

Silicosis is not the issue here, but acute asthma, bronchitis, the exacerbation of chronic lung disease, reduced pulmonary function, cancer, and particle dissemination with cardiac and renal disease are. The young immature lung, adults with chronic lung disease from other causes, and the immunosuppressed are vulnerable from exposure to small air-carried particles. These would not show up within silicosis data. The MPA may wish to update its concepts on micro-particulate-induced disease. This was previously drawn to the attention of N.C.C. without response, and without reproduction in the record.

Page 215. Historic England and others: It was mentioned that an historic bridge near the pumping station at Wormegay and Mow Fen, built by the Canadians in WWII, and its natural landscape, are non-registered historical entities of importance. No response was forthcoming.

Page 216. Norfolk Ramblers Association and others: The MPA provide an answer to the question of tree preservation on Shouldham Warren. This has been a major concern for many, but did not appear in the bulleted action items. In several places in the NMWLP record, an argument that the scheduled coupe felling and subsequent replanting within a managed Forestry Commission property are equivalent to the massive destruction of forestry afforded by perhaps a 20-year or longer silica sand mine over perhaps 20-40 hectares, and with reduction to a less viable future in many cases, even with site restitution. There are some facts that are better left to themselves without spurious comparisons.

Page 216. Norfolk Ramblers Association and others: The only discussion of public rights of way on AOS E is the statement, "need to protect Public Rights of Way (PROW)" This hides an unlawful attempt by the MPA to avoid extensive data that I supplied directly to them to bring to their attention that there were 10 unregistered or under-registered PROW on the AOS E site that had significant historical and cartographic evidence to support their public utility. In English Common law, once a way has been recognized as a public way, the public rights remain ad infinitum unless stopped-off by legal process, no matter whether the highway is still in public usage or not. The MHA refused to accept the evidence which they are not entitled to reject, and also failed to place a map of the proposed routes with an explanation into the respective Plan file. Most of the highways were on Shouldham Warren. The county authorities have a statutory obligation to keep the Definitive Map continuously up to date, and this can never be more important than when a destructive Local Plan is proposed. This action too was unlawful. The brevity of the MPA statement is designed to be evasive as significantly more PROW would be an added complication in the apparent long-term county prosecution of the AOS E area for silica sand mining.

Page 219. Rt. Hon Elizabeth Truss. MP and others: Stated that, "the government does not set out how much silica sand that the country needs," with its regional implications. Sibelco are allegedly "taking advantage local area/apathy here." It would help to view the original submission, but in the apparent absence of a specific regulation (see above) that obligates the County to supply the full silica sand requirements of Sibelco, it was considered that Sibelco had been taking advantage and had persuaded the MPA to undertake this task. The statements were just not answered. In return, there appears (on the face of it) to have been little evidence of collaboration between the MPA and Sibelco, although the NPPF stresses the importance of early cooperative relationships between the primary parties.

Page 220. Shouldham PC and others: The impacts of silica sand extraction on woodland in Shouldham Warren and its potential implications for climate change had been submitted. The MHA failed to respond to the questioning. Only the replanting of trees in restoration was mentioned. There was also significant comment on other issues. Answering the questions asked seems to take a low priority.

Pages 221-2. Marham Parish Council and others; and NCC 'Together for Norfolk: an Ambitious Plan for Our County, 2019-25: On conflicts between the NMWLP and the District Local Plan housing allocation and the Borough's open space and environmental policies⁷ over Shouldham Warren, the MPA generates an initial statement, "in principle, there is no reason why a mineral extraction area could not operate without unacceptable adverse impacts at the distances between the closest parts of 40S E and Marham." This might possibly be true. although it ignored several fundamental issues (as we have seen) and was a gratuitous comment. A round-the-houses defence of the NMWLA process follows, claiming that the "criteria-hosed policy" is novel, when it appears not to contribute anything at all that is not in the original NPPF-based Local Plan. However. it does markedly weaken the democratic structure, and provides no model for the future. It further states that, "it would be a matter for any future planning application to consider the potential for adverse impacts and suggest suitable mitigation measures to address these." The results of submitting such a heavy direct workload onto the district planning process is not evaluated. There has been no attempt at a comparative analysis or trial of this process or determination of its inherent problems. One potentially avoidable issue is the reservation of important remedy-requiring factors to the planning application process, and so true analysis is frequently delayed to the last historical moment, risking the adoption of bad policy through a simplified mechanism.

There is the suspicion that the general failure to establish potential silica sand sites over the last decade is an organizational issue and not necessarily a matter of process - given the legal constraints and necessity to adopt high levels of mitigation. An additional factor is the delay in considering crucial operational issues until the planning process, thereby reducing many of the consultations to theoretical discussions without a view of the proposed specific plan details. Finally, the public has no legal right to be informed of most planning application procedures.

Page 223. MPA: The decision to abandon AOS E, I & J as "too fragmentary to form an appropriately sized area within which a potentially viable silica sand extraction site" is not explained anywhere in the cumulative files. What is meant by "too fragmentary," and could this have been foreseen? This decision is opaque and it is not obvious why any of the three sites have been abandoned in a MPA-led process.

Page 225. Highway Authority: Regarding proposed transport of silica sand from three potential sites in the south of Kings Lynn, with routes via the Hardwicke Junction. The Highway Authority authorized (or suggested) phased HGV so that no more than one silica site at any one time was transporting mineral. There was no comment from the MPA.

Page 226. West Norfolk Riding School for the Disabled Association: The proposed AOS F was "likely to disrupt our charity to provide sporting activity to disabled people." No comment was forthcoming. The site was abandoned, as discussed.

Page 234. Wormegay PC and others: The MPA states, "it is unlikely that a Minerals Plan would be found sound at Examination if it suggested that the mineral could be sourced internationally or nationally." This statement conflicts with NPPF, paragraph 214(a), "Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by (a) co-operating with neighbouring and more distant authorities to ensure adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes."

Page 251. The Labour Party and others: There is a discussion about the landscape consequences of 160 years of silica sand extraction at Leziate, although it is not admitted that very extensive areas of the old mining sites are not rehabilitated. The sites were sold by Sibelco UK in only 2015 apparently leaving the new private owner to "carry out the restoration of the site." It is difficult to conceive that such extensive blight can be managed without either or both of mineral industry and public finance, given the considerable regional landscape scarring. This is not answered. The problem of antisocial behaviour is the lack of significant oversight and investment (and adequate fencing) in Bawsey Lakes, just 2 miles from Kings Lynn.

Page 256. The MPA state that the NPPG and footnote 68 of the NPPF underpin determination of the silica sand requirement, but footnote 68 of the current NPPF(2021) refers to non-designated heritage assets of archaeological interest.

Page 257. Individuals: The MPA states that "a legal framework (the planning system) exists to consider these rights (Article 2, Article 8 and Protocol I of the European Convention on Human Rights) against the needs of society as a whole. ...Human rights legislation is considered during the planning application decision making process." I may be wrong, but I cannot recollect such human rights being discussed anywhere in the cumulative Local Plan library. Is this lip service?

Page 258. Individuals: The N.C.C. document, An Ambitious Plan for Our County 2019-2025, is quoted. "...clear ambition to be a place where we put people first where everyone works together to create a better place to live. A place of opportunity: where we can fulfill our potential and lead productive healthy and independent lives." The context from the original "consultation" is not given, and it is not responded to. However, how is this goal consistent with the 12-year actions of the surveying authority in suppressing recognition of the considerable public recreational land-use at Shouldham Warren right up to 2022, and its prior claim on this unique landform in rural West Norfolk?

Page 259. Sibelco UK: The MPA states "criteria-based policy MPSS1 will be used to determine planning applications that come forward on unallocated sites for silica sand extraction." This is quoted often in the "consultation" answers. It implies that the NPPF-based procedures that are currently sanctioned are less of a criteria-based policy than MPSS1, but this is not the case. The new, simplified version has far less independent oversight and is certainly less subject to public consultation - for reasons of a lack of public standing in the district planning procedures. There is also no statutory obligation to even inform the public or many other interested parties of a mineral planning application proceeding at this level.

Page 260. Carter Concrete Ltd: In MIN 69, it was proposed to excavate part of an existing woodland. The problem is put succinctly by the MPA, "it is not possible at the Local Plan stage to provide detail on how much woodland could be removed." Quite. All consulted parties are left in limbo until this information is supplied to the final planning application stage, in a controlled venue with much less opportunity to influence. This is shared with several areas of concern, including environmental and ecological reviews, archaeological and historic landscape reviews, hydrogeological and

hydrological reviews, and the whole problem of mitigation and restitution. etc. With good will, many of these factors could be settled out in the open, in support of equity and accountability, before an application to the district planning procedures.

Page 262. Friends of St Andrews School Trust: The problems presented are as to whether there are unacceptable impacts on a School for Autistic Children. The school is on the opposite side of the A148 highway and is obscured from the proposed mining site by an existing screen of trees. There was particular concern as to additional noise levels. The autism spectrum does include individuals with sensory hypersensitivity. The MPA states, "The noise of mineral extraction operations are not expected to increase the existing noise levels arising from the traffic on the A148. As a proposed extension to an existing site the number of vehicle movements is expected to remain the same but to continue for more years." The reasoning behind this conclusion. and whether there has been any acoustical testing. is not stated. The hours and schedules of operation. the distance from the extraction site to the school, and as to whether acoustical mitigation practices are in operation at the original site, are also important. It is not stated whether the school is residential, or whether clinical noise-related issues have occurred.

Page 265/6. N.C.C Natural Environment Team: It is not clear from the abbreviated representation as to which company is being referred to, unless possibly it is to "quarry operations." The MPA states. "...the planning system is not in place to protect private business interests." This is disturbing as the economy is naturally to be protected where feasible. However, without context, this just looks very awkward, if not suspicious.

Page 269. Individuals: The sand and gravel allocation MIN 115 is at Lord Anson's Wood near North Walsham, a private, coniferous plantation. It has been allocated (NMWLP 2022. p. 166) without any consideration of climatic change implications, despite the recent important national and county tree planting initiatives. The arbocultural implications for climate change were not part of the SA/SAE assessments that underscored the choice of sites, utilising the March 2016 sustainability appraisals and the strategic environmental assessments. The reasons for not considering these relatively new objectives is unexplained.

Page 276. Haddiscoe PC: A parish-owned property used as a recreation ground for children and dog walkers was not mentioned in the MIN 25 documentation.. The abbreviated record reported no MP A response.

Page 278. Haddiscoe PC: It is not stated whether the MPA has taken into consideration that the proposed housing development on the edge of the village is within 100m of the proposed sand and gravel extraction area. Are there potential impact sites on this side of the village that might be subject to both developments simultaneously?

Page 288. CATTS: With regard to the Sustainability Scoping Report, MPA state, "the NM&WLP contains criteria-based policies which would be used to determine planning applications for waste management facilities including glass recycling In terms of silica sand, National Planning Policy Guidance states that the required stock of permitted reserves for each silica sand site is based on the average of the previous 10 year sales: it does not take into account any other supply options (such as recycled materials)." Actually, the Guidance is for mineral operators (and not for MPA) and does not mention mineral recycling anywhere in the large document. "Required stock" is a notional reserve and not an extraction goal. Moreover, paragraph 214(b) under section 17, Facilitating the Sustainable Use of Minerals, in the National Planning Policy Framework. 2012, says the following, "Planning policies should: (b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously." Soundness test: not effective, not positively prepared, not consistent with national policy.

Change suggested by respondent:

-

Legally compliant: No

Sound: No

Comply with duty: No

Appear exam: Appearance at the examination

Oral exam why: I have endeavoured to provide detailed evidence to support these views. It is probably important to personally bolster those contested by the MPA.

Attachments: August 2020 letter from Mr Ormerod to Tom McCabe NCC - <https://norfolk.oc2.uk/a/svzm>
Dr D Ormerod full text submission F. MPA response to public consultations -
<https://norfolk.oc2.uk/a/svn6>

99529

Object

Respondent: Dr L David Ormerod [21890]

Date received: 16/12/2022 via Paper

Summary:

These comments are limited to the Single-issue Silica Sand Site Selection process. It is of considerable concern when the NMW Local Plan policies accommodate a clear avoidance of the public interest.

NPPF (2012) paragraphs 9, 16 (c) 'note that communities are the first stipulated partner', 39 (pre-application) and 42 (statutory planning consultees role in pre-application) are quoted.

Norfolk Statement of Community Involvement

One purpose of this submission is to elucidate the core issue of how the public interests in Shouldham Warren were apparently gamed. recognising that in many other putative extraction sites there will likely be insignificant or minor public issues involved. The Plan was conducted in general accordance with the Statement of Community Involvement (SCI), with the exception of overlooking Development Management Policy MW1(j) which exempts "public open space, local green space, the definitive Public Rights of Way network and outdoor recreation facilities."

The failure to include the public interest as a formal consultee had inappropriate consequences that could have been avoided if there had been an obligation to involve local communities comprehensively and early (NPPF paragraphs 16(c); 25; 39; 93(c); 98; 99; 120(a); 131; 132; and 180(a)). Experience has categorically shown the current schedule to inform the local public is unfit for purpose, and that early village meetings for all village or hamlet communities within 3 km are suggested as an achievable objective. This option is included as a possibility in the core documents, although apparently never been used on silica sand extraction issues. If community rights are to be properly recognised, this would require appropriate changes in the SCI, which is a document written for minerals licensing and being tested for the first time in the conduct of the NMWLP, 2022. This has exposed an additional need for a formal community recreational open-space assessment in Mineral and Waste site selections. Any regional and local public recreational land-use interests remain without representation in the current SCI. It is crucial to concentrate minds on these matters as the new so-called "criteria-based policy" (policy MSS 1) provides minimal opportunities for public representation of unresolved or unconsidered public interests. such as public recreational land use.

3. Of particular concern is the NPPF, 2012, admonitions in paragraphs 16(C) for early engagement with communities so that public issues do not present late surprises, and in paragraph 39 for full exposition and discussion of problems.

4. This is a substantial planning exercise with low tens of thousands of pages in the silica sand extraction site programme library. It is a difficult task to identify all the changes that would be required to fully accommodate the changes necessary to give proper recognition to public recreational land use. I will attempt to provide some proposed textual changes, but NMW Officers are much more appropriate.

5. The foundation documents that will require change include the Norfolk Statement of Community Involvement, the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD), and the Norfolk Minerals Site Specific Allocations DPD.

[Statement of Community Involvement]

6. The main document that led to the paucity of public land-use accountability was the Norfolk Statements of Community Involvement (DCI), 2012/ 2018/2022. The newly updated version will be used to probe the continuing deficiencies with regard to this matter, with suggested wording, as requested.

Soundness tests: Not effective, not positively prepared, not consistent with national policy.

Change suggested by respondent:

6. The main document that led to the paucity of public land-use accountability was the Norfolk Statements of Community Involvement (DCI), 2012/ 2018/2022. The newly updated version will be used to probe the continuing deficiencies with regard to this matter, with suggested wording, as requested.
7. In a scarred countryside of small, scattered villages, may I suggest that the local communities are not being served adequately by the stand-off regulations with regard to their public interests, Under s1.2: Who We Will Involve - I suggest "Villages and towns within 3 km of the boundary of a proposed silica sand extraction site or AOS will be offered a community meeting with NMW Officers to amplify the proposal, and will later have an opportunity for submission of comments and documentation."
8. Under s. 2.1.5.1: Validation - Replace the bullet 'Direct Neighbour Notification.' The statement "immediately abuts the application boundary" is interpreted to mean within 250 yards. This has proved entirely inadequate with AOS E, for example. (1) I suggest a 500m span. (2) As a separate sentence in this section, I suggest, "All villages and towns within 3 km of a proposed silica extraction site or ADS will be consulted by village meeting with Plan Officers. Subsequently, an opportunity to submit comments will be presented."
9. Under s. 2.1.5.4: Initial Consultation period - After the short paragraph on Public Service infrastructure, add, a new paragraph, "Villages and towns within 3 km of a site will be offered a community meeting with NMW Officers."
10. Under s. 2.1.6.1: Availability of Documents - At the beginning of the second paragraph, suggest replacing the first sentence starting with, "Please note ... " with "A formal N. C. C response to all submitted consultation statements will be submitted on the website, for simultaneous viewing."
11. Under s, 3.1: Minerals and Waste Local Plan - For the third bullet, Public Examination Stage (Regulation 24), modify to reflect the additional requirement to consult communities within 3 km of a proposed silica sand site or AOS with a community meeting.
12. Under s. 3.1.1.3: How you can be involved - suggest adding, "Communities with public recreation areas within selected sites or ADS, or their offsets, will be offered a direct consultation at a community meeting with N. C. C. MW officers, with additional opportunities to submit comments and documentary evidence."
13. Under s. 3.2.2: Supplementary Planning Documents (SPDs) - Add a statement after the words, "... Regulations takes place" with regard to a SPD describing the changes to assure accountability over public recreational land-use, and particularly on Forestry Commission Land."
14. Under s. 3.4.1: Consultation and Notifications, what we will do - There is no legal requirement to consult with individuals and organisations suggesting changes, but that does not mean it would not be good policy. May I suggest that exceptions be made for organisations and individuals making specific suggestions? On matters such as a systematic failure of N.C.C. support for public interests, it would seem inappropriate to deny such an opportunity .
15. In Appendix 1, under "Other Consultation Bodies". add "Communities within 3 km of a silica sand site or AOS."

Legally compliant: No

Sound: No

Comply with duty: No

Appear exam: Appearance at the examination

Oral exam why: I have endeavoured to provide detailed support for these views. It is probably important to support those challenged by the MPA.

Attachments: Dr D Ormerod full text submission B. Public representation - <https://norfolk.oc2.uk/a/svns>

99530

Object

Respondent: Dr L David Ormerod [21890]

Date received: 16/12/2022 via Paper

Summary:

These comments are limited to the Single-issue Silica Sand Site Selection process. It is of considerable concern when the NMW Local Plan policies accommodate a clear avoidance of the public interest.

NPPF (2012) paragraphs 9, 16 (c) 'note that communities are the first stipulated partner', 39 (pre-application) and 42 (statutory planning consultees role in pre-application) are quoted.

Background

The first rendition of the Silica Sand Review was subject to two 6-week direct consultation periods with the statutory and general consultees, in April-May 2015 and in November-December 2015. NMWLP documents were published to discuss the consultants' views. A process of revising the boundaries of areas of search to address significant constraints, led to the removal of AOS B, AOS C, AOS G. and AOS H which were considered undeliverable as a result. The Pre-submission version of the Silica Sand review were subject to a representation period between May 16 and June 27, 2016, but it failed to attract many public comments other than for AOS A in Snettisham, Ingoldisthorpe, and Dersingham, which was subsequently dropped. SIL 01 was also dropped because of its close proximity to RAF Marham. Modifications were made to the Plan including the addition of four AOS sites. The Revised NMWLP was published, and then sent for review by the Minister of State, represented by the Planning Inspectorate. The document received a "sound" and "legally compliant" certification. At this Stage, little public attention had been drawn to a major regulatory development process, then 6-7 years in development.

NMWLP Public Representation Practices in Mineral Planning:

It is important to consider the public representative practices involved in the NMWLP silica sand proposals. The principal representation was afforded by "Consultees" that did not involve the public. Remarkably, this involved 451 separate institutional bodies and individuals, comprising 8 Norfolk local planning authorities; 9 local planning authorities joining Norfolk; 29 relevant English minerals and waste planning authorities; 100 Norfolk parish/town councils; 32 parish/town councils adjoining Norfolk, 9 specific consultation bodies in Cambridgeshire, and 1 in Lincolnshire; 36 other specific consultation bodies (including many of the statutory consultees); 58 general consultation bodies, including the Ramblers Association and Sustrans); 30 mineral operators; 55 land agents and consultants; and 84 county councillors. Only these "consultees" received direct communications from N.C.C. and were then afforded the opportunity to engage at length on matters of concern, including the submission of systematically-organised evidence with the "right" of a detailed published reply. I suspect no one would design so complex a process this way if there was a choice

The only members of the public across the County that were 'consulted' directly (via a notification letter) were 642 residents living within 250m of a proposed or putative mineral extraction site/area; the adjacent communities were ignored. The 250m distance apparently reflected the distance at which noise and dust nuisance were usually considered ameliorated – it had nothing to do with recreational use.

This structure was consistent with the administration proposed in the NPPF with the exception that the public were relegated to a far less functional and markedly delayed inquiry, that was treated with very different criteria including the obfuscation of evidence and including selective suppression of data. This will no doubt be denied, but the evidence is incontrovertible.

When is a "Consultation" a Consultation?

The public were confined to two belated "consultation" (really commentary) periods of 6-weeks when they were indirectly asked for comments. The notification of the public was very poor, if compliant with the Norfolk Statement of Community Involvement, 2012, (SCI), as modified. In the initial consultation, a substantial proportion of AOS E respondents complained that they had only heard of this proposal shortly before the deadline and had to hurry to put something together. N .C.C. then extended the dead line. but strangely only for residents of two of the four involved villages. The call

for letters is not a consultation in any meaning of the word. The Oxford Dictionary defines a consultation as "the act of discussing something with someone or with a group of people before making a decision about it". For a consultation to occur, there has to be the opportunity to contribute systematically, organised data and include the opportunity for debate. At least the Initial "Consultation" public responses were published together with MHA responses. This was the first inkling that questions were often just disregarded or gamed with a less than frank answer. Publication of the Preferred Options Consultations were delayed for three years until close to the end of the process and specific MHA responses are absent.

In the Initial Options sequence, there were several responses that mentioned the great variety of users of Shouldham Warren. I will just quote one, as they all received the same standard and disingenuous reply. The letter had stated, "The threat to recreational activities: not only is the Warren used by many villagers on a daily basis, people come from all over to walk, bird watch, horse ride and cycle. There are also many clubs/organisations that use it to enhance their lives. Would this be hindered in any way?"

This was answered by, "The area of search includes Shouldham Warren. It is noted that public access is permitted in Shouldham Warren and it is used by many local residents for recreation. There is legislation (s.261 of the Town and Country Planning Act 1990) to allow the temporary diversion or stopping up of a Public Right of way for mineral extraction. Any future planning application for mineral extraction would need to address the location of existing footpaths and public access. There have been multiple examples of mineral extraction sites in Norfolk, where similar issues regarding PROWs have been successfully addressed." This answer disregards responsibilities for early involvement of the public in such matters according to the Rights of Way Circular (1/09) s 7.4 to 7.7. The reply avoids consideration of the multiplicity of recreational uses of the 372-hectare open-access Shouldham Warren site. It solely relates to the current registered PROW on Shouldham Warren. The County has a duty to keep the definitive map in continuous review, and therefore never more so than when major Local Plans are under consideration (see below). This provided the first evidence of the MHA reluctance to consider the nature of rural public recreational areas

Publicity for Public Involvement

It was very clear that the public announcement of the Local Plan was markedly unfit for purpose, but the deficient protocol remains unaltered. This was the subject on many public comments. This de facto suppression of public responses has to be interpreted as deliberate; the only satisfactory mechanism short of contacting all voters/rate payers is to institute an obligatory requirement for N.C.C.-led village meetings (perhaps for villages <3km from putative sites) to facilitate public familiarity with the local and regional effects of major planning decisions. This is recommended in the Norfolk DCI, and requested in several public comments, but has always been disregarded by N.C.C. The public's right to know appears to have been gamed. Where regional interests are involved, much wider dissemination of some kind is required.

The second Preferred Options consultation was particularly notable for the local and regional attention self-generated regarding the adjacent sites. SIL 02 and AOS E, principally organized by CATTS, the Campaign for Two Silica Sand Sites, based in Shouldham. A colossal 3,222 public responses were submitted for AOS E and 1,255 for SIL 02, a total of 4,477 public responses over the two closely-related sites. It took 3 years for N.C.C. to post these comments on their silica sand website (where they are organized in random folders with no practical way to search them, and (unlike the submissions from the formal consultees) no NMW officer comments were ever attached. By this time, we are at 5 minutes to midnight in a 12-year process. Amongst the most interesting letters submitted were those from CATSS. Liz Brewer, and Svetlana Ignatieva. It is said in the NMWLP, 2022, that the public responses have been considered, but no evidence has been submitted that shows this has occurred. Let us see how the collected responses from all sources have been handled?

Differential Management of "Consultations"

All "consultations" were assembled in a 291-page document. NMWLP Statement of Consultation, May 2022 which was filed in the LP submission file, without direction elsewhere among the cumulative project files as to its existence or venue. The entire Plan files have not been assembled with public access in mind. It therefore required a specific intention to read the lot to gain any sense of the structure of 12 years of activity.

Altogether, the comments are collected into 451 official "consultations." Comments were abstracted and often "combined" with a number of consultees married together, with a brief summation of substantive issues, presented in a format in which it was very difficult to evaluate the quality of the process. The individual lists were invariably headed by official 'consultees' with public contributions apparently reduced to a subsidiary role. This structure may have been helpful in organising the extensive file, but it had the effect of the egregious under-representation of the public contributions. I can only realistically contribute my own experience which will be discussed below, and it will show that some uncomfortable facts were entirely disregarded by the MHA and others were met with misleading statements.

Detailed issues could not be represented by the abbreviated (effective) bullet points selected. There is a strong case to be made for the full NMW Officer response to each representation to be reproduced in consort with the respective full submission in an entirely separate file, as was undertaken for the Initial Options consultation. This was required of the process, but was avoided in the Preferred Options sequence, for unexplained reasons. The May 2022 Statement of Consultation document is a useful summary, but as process integrity has to be seen to be done, the sole presentation of the institutional response to the Preferred Options in this tabulated format inhibits any assessment of this data, which must therefore remain suspect. The County Council is knowledgeable about the nature of data and must face full responsibility for this serious epistemological misconduct. These MHA actions are neither sound nor legally compliant.

The Statement of Communication document, May 2022, reported 829 action items. The majority reported multiple factors of advice or dispute as summary statements. How these brief statements had been assembled by the NMW Officers represents appreciable unknown variables. Choices have been made for purposes of brevity. I am aware of important but "inconvenient" facts that have quite deliberately been omitted. It is impossible to know how great a problem this has been given the opaqueness of the adopted reporting procedures. However, it was obvious that "consultees" generally were given greater due diligence than virtually any of the 4,500 public "respondees" for AOS E and SIL 02. The major consultees usually were afforded their own representation, and commonly involved points of clarity regarding their area of expertise. But, there were many multiple summaries, largely involving "second-line consultees" and it was the practice for the numbers representing public comments to be added on at the end. Without there being comprehensive institutional comments on the content of each submission (in a separate File as had been used with the Initial Consultation), there is no opportunity afforded to assess the integrity and validity of this reporting process.

Of the 829 action items identified by the MHA and presented in a summary and aggregated format, 671 were placed in a "No Action Required" basket. This very high number reflected a large variety of subjects, but which were nullified by the MHA decision to abandon all the silica sand extraction site candidates, and the normal cull elsewhere of potential non-safeguarded mineral sites. There is an important procedural matter here in that a considerable amount of work from external collaborative institutions and individuals has been largely wasted, through no fault of their own, by the N.C.C. failure to select silica sand extraction sites and the consequent policy change proposal to remove minerals applications away from the current NPPF-informed structure and the abandonment of the current silica sand extraction site selection process. In view of this irregularity, it is suggested that all consultations be retained for a 25-year period, and not destroyed in the relative short term as permitted under the NMWLP 2022.

The action items that went into the "Action Required" basket numbered 158. If we analyse this group, we find that only 3 of the total public comments selected from all minerals (but not waste) programs (including the 4,477 submitted for the Preferred Options silica sand cycle) were represented by an action item of their own. They comprised a submission on a Poors Charity landholding, an incinerator, and a sustainability comment based on EU Human Rights Law. Every other public submission was relegated to a subordinated role in which it was entirely impossible to determine how they had been individually represented, if at all. Justice has to be seen to be done, but a quite different process has accommodated public representation in the Norfolk Minerals and Waste Local Plan 2021-2038 than was used for all other interested parties, which was unfit for purpose.

To provide some insight into the process, the top 15 primary authors of "Action Required" items (with total) were: Historic England (23); the Broads Authority (22); Environmental Agency (21); Anglia Water Service (11); Norfolk Wildlife Trust (8); Natural England (7); NCC Historic Environment Service (7); South Norfolk and Broadland DCs (6); Essex County Council (6); Norfolk Highway Authority (5); Minerals Product Association (5); Breedon Group (ex-Cemex) (5); Heaton Planning

Ltd/Brett Group (5); Gas Energy/UK Onshore Oil and Gas (4); and West Winch PC (2). The extensive submissions of CATTs, the Campaign Against Two Silica Sand Sites, as the principle public representative body, were abstracted into about a dozen action Items, but all found their way into the "No Action Required" category, largely because the AOS E and SIL 02 were cancelled, nullifying the contribution. Despite the recognition as the principal public representative body, N.C.C. never met with them, in conflict with the Norfolk Statement of Community Involvement.

Avoidance and/or Downplaying of the Legitimate Consideration of Public Issues

It has been possible to demonstrate that N.C.C. avoided mentioning the intensive recreational public land-use of Shouldham Warren in all 179 Plan documents in the silica sand Plan library between 2010 and 2022, that N.C.C. declined to engage in discussion on this issue, suppressed formal representation of this complaint in the Preferred Options cycle, and then designed an opaque process allegedly designed to consider and respond to several thousand public declarations, principally on the public utility of Shouldham Warren, but in which there has been no objective evidence of any valid response from the MHA. On the question of the long-term public land-use interests in Shouldham Warren, it is more likely than not that the MHA has sought, for some reason of their own, to deliberately ignore the issue over a prolonged period, and involving multiple acts of commission. I submit that the evidence strongly supports the conclusion that these activities of the MHA are neither sound, nor legally compliant.

Extracts of Norfolk Minerals and Waste Local Plan [Silica Sand Single Issue Review - Pre-Submission Representations Feedback Report August 2016 page 6]

Below the middle of the page is the statement. "There is no requirement for another Mineral Planning Authority to plan to help meet Norfolk's demand for silica sand as the feedstock for the processing plant at Leziate." There is no reference to support this statement. Indeed, another County MCA consultee wrote a recorded consultation letter in which she had apparently offered (or requested information of) collaboration, but had heard nothing, to receive a curt reply that this would be unnecessary. An important consideration to the public is whether this is a fixed obligation irrespective of the contemporary realities of a difficult local supply chain?

Change suggested by respondent:

-

Legally compliant: No

Sound: No

Comply with duty: No

Appear exam: Appearance at the examination

Oral exam why: I have endeavoured to provide detailed support for these views. It is probably important to support those challenged by the MPA.

Attachments: Dr D Ormerod full text submission B. Public representation - <https://norfolk.oc2.uk/a/svns>

Waste Management Capacity Assessment 2022, Waste Management Capacity Assessment 2022

99198

Comment

Respondent: Derbyshire County Council (Mr Ian Goldstraw, Planner) [21938]

Date received: 17/11/2022 via Email

Summary:

This is a joint response from Derby City and Derbyshire County Council.

We are in agreement with the figures given for cross boundary movements as they are taken from the Waste Data Interrogator.

We are not aware of any facilities that might receive wastes from Norfolk that are due to close. However, if you identify particular facilities of interest, then it may be possible to give a more definitive response.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Not specified

Attachments: None

99206

Comment

Respondent: Central Bedfordshire, Bedford Borough and Luton Borough Council Shared Service (Ms Natalie Chillcott, Minerals and Waste Planning Officer) [16218]

Date received: 01/12/2022 via Email

Summary:

According to the Waste Data Interrogator 2021 Norfolk sends a significant tonnage of Non-hazardous waste to the Rookery South Resource Recovery Facility, operated by Covanta Energy Ltd. I understand the contract Norfolk County Council has to send waste to the Rookery South Energy Recovery Centre will expire before the end of the Plan period. Please be aware whilst the Rookery South Resource Recovery Facility is a permanent facility, capacity may not be available once Norfolk's existing contract expires.

Change suggested by respondent:

-

Legally compliant: Not specified

Sound: Not specified

Comply with duty: Not specified

Appear exam: Not specified

Attachments: None