



Norfolk County Council

Norfolk Minerals and Waste Local Plan

Regulation 19 Publication Stage (2022) Representations Feedback Report

September 2023

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Acronyms

AONB	Area of Outstanding Natural Beauty
AOS	area of search
BMV	Best and Most Versatile
BNG	Biodiversity Net Gain
CWS	County Wildlife Site
DIO	Defence Infrastructure Organisation
DLUHC	Department of Levelling Up, Homes and Communities
DMMO	Definitive Map Modification Order
DPD	Development Plan Document
DWMP	Drainage and Wastewater Management Plan
GNLP	Greater Norwich Local Plan
HE	Historic England
HIA	Heritage Impact Assessment or Hydrogeological Impact Assessment
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MCA	Mineral Consultation Area
MPA	Mineral Planning Authority
MSA	Mineral Safeguarding Area
NCC	Norfolk County Council
NM&WLP	Norfolk Minerals and Waste Local Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PROW	Public Right of Way
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TPA	tonnes per annum
WRC	Water Recycling Centre

Introduction

Norfolk County Council, as the County Planning Authority (CPA), is responsible for planning for the provision of a steady and adequate supply of minerals and the management of waste. It has a statutory duty to produce and maintain an up-to-date Minerals and Waste Local Plan which forms the basis for determining any relevant planning applications that are lodged with the authority. The Norfolk Minerals and Waste Local Plan (NM&WLP) also forms part of the Development Plan for Norfolk which means it is a consideration in the determination of planning applications lodged with Local Planning Authorities, where there is the potential for those proposals to impact safeguarded mineral resources, safeguarded mineral sites or waste management facilities.

This document contains all the representations received during the Pre-Submission representations period (Regulation 19 stage) on the Norfolk Minerals and Waste Local Plan (NM&WLP), along with Norfolk County Council's Planning Officer response to each representation.

The representations period ran from 28 September to 19 December 2022. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, this is a formal part of the plan-making process which specifically seeks representations from members of the public, stakeholders and other organisations, in relation to the Plan's soundness (as defined in paragraph 35 of the National Planning Policy Framework) and legal compliance prior to the Plan being submitted to the Secretary of State for examination by an independent Planning Inspector.

There were 80 respondents to the representations period, who made a total of 403 representations about the NM&WLP and the background documents. 27 of the representations were in support, 169 were comments and 207 were making objections.

The Publication version of the NM&WLP can be found at <https://norfolk.oc2.uk/document/51>. The background documents relevant to the publication version on the Minerals and Waste Local Plan are listed below and can be accessed at <https://norfolk.oc2.uk/document/53>

- Policies Map
- Habitats Regulations Assessment
- Sustainability Appraisal Report
- Equality Impact Assessment
- Statement of Consultation
- Silica Sand Topic Paper
- Statement of Common Ground
- Waste Management Capacity Assessment

Further information on who was invited to make representations, who responded and a summary of the main issues raised, is available in the Statement of Consultation (Part B).

Comments on whole document

One representation received supporting the whole document:

Respondent: **Borough Council of King's Lynn & West Norfolk** (Michael Burton) [Person ID: 21919]

Representation [Rep ID: 99113]: (Support)

Summary: Officer assessment for the soundness of the Minerals and Waste Local Plan - officers are of the opinion that the plan is legally compliant and sound.

Full text: We (Borough Council of King's Lynn and West Norfolk) have considered the implications of the Minerals and Waste Local Plan for the Borough, and whether this is legally compliant and sound.

There are only four sites allocated in the Borough (three of which are existing allocated sites):

Aggregate Mineral Extraction Sites

MIN 6 - land off East Winch Road, Mill Drove, Middleton (allocation carried forward from the existing Minerals Site Specific Allocations DPD (2017))

MIN 206 - land at Oak Field, west of Lynn Road, Tottenhill (our response to the preferred options consultation was 'This is an extension of existing works. The Tottenhill sites would be worked sequentially to mitigate any cumulative impacts. Potentially acceptable subject to the requirements in the policy'.) There is a planning application currently being considered by NCC (Validated June 2021) for the site.

Silica Sands

MIN 40 - land east of Grandcourt Farm, East Winch (allocation carried forward from the existing Minerals Site Specific Allocations DPD (2017))

SIL01 - land at Mintlyn South, Bawsey (allocation carried forward from the existing Minerals Site Specific Allocations DPD (2017))

Silica Sands Areas of Search - the plan does not allocate any areas of search for silica sand and instead contains a criteria-based policy for the consideration of any future planning applications for silica sand extraction

In terms of waste management facilities, as sufficient capacity currently exists to meet the growth forecast in waste arisings it is not considered necessary to allocate any specific sites for waste management facilities in the NM&WLP. Instead a criteria based policy will be in place to assess any windfall sites if they come forward.

Overall, we are of the opinion that the plan is legally compliant and sound.

NCC Planning Officer response: Support noted.

One representation received objecting to the whole document:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99515]: (Objection)

Thank you for consulting Historic England on the Norfolk Minerals and Waste Local Plan – Further Consultation Draft. As a statutory consultee, our role is to ensure that the conservation of the historic environment is fully integrated into planning policy and that any policy documents make provision for a positive strategy for the conservation and enjoyment of the historic environment. Our comments below should be read with reference to our previous comments dated 31st August 2018 and 30th October 2019. Please also see our detailed comments in the attached table, Appendix 1.

SUMMARY

Whilst we welcome many of the changes you have made in this latest draft of the Plan and consider many aspects of the plan to be sound, we have identified issues with some of the policies and site allocations which remain and do compromise the overall soundness of the plan. Under paragraph 35 of the NPPF some aspects of this Plan are unsound as they have not been positively prepared, are not justified, effective, or consistent with national policy. We have identified below some of the key areas where we find the Plan

unsound and what measures are needed to make the Plan sound. In summary we highlight the following key issues:

a) Insufficient Historic Environment Policy (MW1, WP2 and MP2)

Whilst we appreciate that you have made some changes to policy MW1 to include more references to the historic environment, which is welcome, it is still our view that there is currently insufficient policy provision for the historic environment in the Plan. Normally we would expect to see a specific separate policy for the historic environment in a Minerals and Waste Local Plan. This policy is insufficient as it stands. We are particularly concerned about the lack of detail in relation to below ground archaeology. We have also raised concerns about the wording in relation to harm to the historic environment in policies WP2 and MP2. In order to make these policies consistent with the NPPF and effective in securing sustainable development, we suggest that the policy wording is amended. Further detail is set out in the attached table.

b) Site allocations requiring further assessment/ proportionate evidence

Thank you for the helpful update on the status of the various sites where we had previously requested a Heritage Impact Assessment (HIA). We appreciate that for some of those sites an HIA is no longer necessary (for example the site is no longer allocated). However, we continue to have concerns about sites where permission has been granted but not yet implemented (MIN 207 and MIN 65), and also a couple of sites where an application is due (MIN 25 and MIN 96). Further details of each of these main areas are set out in the attached table.

We have suggested a series of other changes to the Plan. Many of these changes do not go to the heart of the Plan's soundness, but instead are intended to improve upon it. We believe that these comments can be addressed by changes to wording in the plan. In preparation of the forthcoming local plan, we encourage you to draw on the knowledge of local conservation officers, the county archaeologist and local heritage groups. Please note that absence of a comment on a policy, allocation or document in this letter does not mean that Historic England is content that the policy, allocation or document is devoid of historic environment issues. We should like to stress that this response is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise as a result of this plan, where we consider that these would have an adverse effect upon the historic environment.

If you have any questions with regards to the comments made, then please do get back to me. We suggest it might be helpful to set up a meeting to discuss any outstanding issues and begin work on a Statement of Common Ground. Please suggest some potential meeting times (noting my part time hours). In the meantime, we look forward to continuing to work with you and your colleagues.

NCC Planning Officer response:

a. See our responses to HE representation 99224 regarding policy MW1, HE representation 99226 regarding policy WP2 and HE representation 99233 regarding policy MP2.

b. Noted. See our responses to HE representation 99247 regarding MIN 96 at Spixworth, HE representation 99257 regarding MIN 25 at Haddiscoe, HE representation 99255 regarding MIN 207 and HE representation 99246 regarding MIN 65.

The representations made on other policies and paragraphs of the NM&WLP have been responded to in the relevant sections of this feedback report.

A meeting has been held with Historic England and a Statement of Common Ground is being produced.

Eleven representations received commenting on the whole document:

Respondent: **Bungay Town Council** (Roz Barnett) [Person ID: 21923]

Representation [Rep ID: 99148]: (Comment)

Bungay Town Council requested that the pre application advice should be made public. The Council also requested that the wider environmental impact on extraction of minerals and the waste produced should be considered. Consultation materials should be sent to the parish where the development takes place and all the surrounding parishes that could be affected. E.g., Any mineral extraction in Earsham impacts on Bungay.

NCC Planning Officer response: Noted. Planning permission was granted for mineral extraction in Earsham (application FUL/2019/0062) in November 2020 and has been implemented. Therefore, there are no sites allocated for mineral extraction in the NM&WLP within Earsham. Pre-application proposals and advice are treated as confidential. The environmental impact of the extraction of minerals and the management of waste is assessed at both the local plan site allocations stage through the Sustainability Appraisal, Habitats Regulations Assessment and site assessments and also at the planning application stage when more detailed information about the proposed development is available. These assessments include cumulative impacts. For the example of Earsham, this application was accompanied by an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Consultation documents for planning applications are available to view on Norfolk County Council's eplanning website. Consultations on planning applications and the Minerals and Waste Local are carried out in accordance with the relevant legislation and the adopted Statement of Community Involvement. Town and Parish Councils immediately adjacent to Norfolk have been consulted at each stage of the production of the NM&WLP, including Bungay.

Respondent: **East Suffolk Council** (Ian Johns) [Person ID: 21848]

Representation [Rep ID: 99157]: (Comment)

I am writing to you in response to your Pre-Submission Consultation for the Norfolk Minerals and Waste Local Plan Review, which was received on 26th September 2022. East Suffolk Council had previously commented on the three mineral extraction sites at Earsham (sites MIN209, MIN210 and MIN211). However, according to information in the Statement of Consultation these have all now been granted planning permission and implemented. Therefore, having considered the document carefully, the Council has no specific comments to make in response to the Pre-Submission Consultation and does not wish to raise any objections. It was decided not to complete the online form because none of the sections were relevant, and a letter was considered a more appropriate form of response.

NCC Planning Officer response: Noted.

Respondent: **Bradwell parish council** (Catherine Bacon) [Person ID: 21932]

Representation [Rep ID: 99160]: (Comment)

I am writing to advise that Bradwell Parish Council has no comment to make about this consultation.

NCC Planning Officer response: Noted.

Respondent: **Marine Management Organisation** (Andrew Davis) [Person ID: 21929]

Representation [Rep ID: 99170]: (Comment)

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters. The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that would affect a UK or European protected marine species. The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: [Check if you need a marine licence](#) and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR. In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations

<http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable. If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link <https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise.

Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer, you can find their details on our gov.uk page.

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below.

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land-based resources are becoming increasingly constrained. If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

NCC Planning Officer response: Noted.

Respondent: **The Coal Authority** (Deb Roberts) [Person ID: 21933]

Representation [Rep ID: 99161]: (Comment)

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. As you are aware Norfolk County Council lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make on any stages of your Local Plan; SPDs etc. In the spirit of ensuring efficiency of resources and proportionality, it will not be necessary for the Council to provide the Coal Authority with any future drafts or updates to the emerging Plans. This letter can be used as evidence for the legal and procedural consultation requirements at examination, if necessary.

NCC Planning Officer response: Noted.

Respondent: **Kirklees Council** (Nick Reeves) [Person ID: 21941]

Representation [Rep ID 99203]: (Comment)

We have considered the latest Aggregate Minerals Survey data which indicates that there have been no aggregate flows between Kirklees/West Yorkshire and Norfolk. We therefore have no comments to make on the minerals policies and designations in the Norfolk Minerals and Waste Local Plan.

NCC Planning Officer response: Noted.

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99270]: (Comment)

Anglian Water is the water and water recycling provider for over 6 million customers in the east of England. Our operational area spans between the Humber and Thames estuaries and includes around a fifth of the English coastline. The region is the driest in the UK and the lowest lying, with a quarter of our area below sea level. This makes it particularly vulnerable to the impacts of climate change including heightened risks of both drought and flooding, including inundation by the sea.

Anglian Water is a statutory consultee under the Town and Country Planning (Local Planning) (England) Regulations 2012. Anglian Water wants to proactively engage with the local plan process to ensure the plan delivers benefits for residents and visitors to the area, and in doing so protects the environment and natural resources. In the context of the Minerals and Waste Local Plan preparation, we are engaging as a waste operator through the operation and management of our water recycling network and centres. As a purpose-led company, we are committed to seeking positive environmental and social outcomes for our region.

Anglian Water has previously engaged with Norfolk County Council in making representations on earlier iterations of the Minerals and Waste Local Plan (MWLP). Through our representation on the Publication

Version of the MWLP we will positively respond with reference to our previous comments and indicate areas of support and where we have outstanding matters of concern

Conclusion

Anglian Water is supportive of many of the policy areas that guide development associated with our role as a waste operator, and policies that seek to safeguard our existing assets and network. We though continue to have a number of concerns in relation to the soundness of the plan, and a number of these were previously raised in our consultation response to the Preferred Options consultation (Reg. 18) and newly introduced policies/policy tests. Given the matters raised in our response, we would want to engage with Norfolk County Council Minerals and Waste Policy Team to identify areas where we can agree proposed modifications to policy and areas where there are outstanding matters to be addressed through examination process. We would welcome the preparation of a Statement of Common Ground in this respect.

NCC Planning Officer response: Noted. The representations made by Anglian Water on specific paragraphs and policies within the NM&WLP are responded to in the relevant sections of this Feedback Report relating to each policy. Norfolk County Council will prepare a Statement of Common Ground with Anglian Water as requested.

Respondent: **Surrey County Council** (Thoma Light) [Person ID: 21976]

Representation [ID 99491]: (Comment)

Thanks you for consulting Surrey County Council on the Norfolk Minerals and Waste Local Plan. Please not that we do not have any comments to raise.

NCC Planning Officer response: Noted.

Respondent: **Broadland District Council** and **South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99492 and 99520]: (Comment)

Thank you for your recent consultation on the above document. Having reviewed the consultation documents, we are pleased to note that the previous comments made by South Norfolk Council in relation to Policies MW6, WP2, WP15 and MIN 212 (now removed) have been incorporated into the updated document. However, we also note that the other amendments suggested in our response to the Initial Public Consultation (dated 13 August 2018) which were also reiterated at Regulation 19 (dated 29 October 2019) have not been included within the latest version of the Norfolk Minerals and Waste Local Plan. We therefore wish to reiterate these comments and where relevant provide any further note.

Summary

Overall whilst the Councils have provided comments on the updated document, these are considered suggestions and in most cases are reiterating previous comments. Consideration has also been given to the Norfolk Strategic Planning Framework (NSPF), where the plan is largely consistent with the agreements of this Framework. Therefore, the Council wishes to make has no object to the adoption of the plan and look forward to working with you further as the plan progresses.

NCC Planning Officer response: Noted. Responses to the specific comments made by Broadland and South Norfolk Councils about specific policies in the NM&WLP are contained in the section of this feedback report relating to those policies.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID 99507]: (Comment)

Breckland District Council recognises the importance of having sufficient minerals and waste provisions within the county to support growth and broadly supports Norfolk's Minerals and Waste Local Plan.

It has the following comments:

1. Nutrient Neutrality

In March 2022, Norfolk LPAs were alerted to the issue of the "unfavourable condition" of the River Wensum and Broads SAC leading to a requirement to mitigate nutrient pollution from development, farming and to

upgrade wastewater treatment works. Nitrogen and Phosphorus affects both water and air quality and Breckland District Council considers that the location of waste facilities particularly from agricultural waste and composting and its impact on the River Wensum and Broads SAC should be carefully considered.

NCC Planning Officer response: The NM&WLP does not allocate any sites for new waste management facilities as data on existing waste management capacity shows that sufficient capacity already exists in Norfolk to accommodate the forecast growth in waste arisings over the Plan period to 2038. This is set out in Policy WP1. The criteria-based policies for waste management facilities in the NM&WLP would be used to determine any planning applications for waste management facilities that come forward.

Policy WP2 'Spatial strategy for waste management facilities' states that waste management facilities should be located within 5 miles of one of Norfolk's urban areas or three miles of one of the main towns although composting facilities and agricultural waste treatment facilities will be acceptable in locations more distance from the urban areas or main towns if they are close to the source of the waste or the destination of the recovered waste material. Policy WP2 also states that waste management facilities will only be acceptable on the types of land identified with Policy WP3 and must also comply with policy MW1.

All planning applications would also need to comply with the development management criteria in Policy MW1. At the planning application stage Policy MW1 requires proposals to demonstrate that the development would not have an unacceptable impact on the natural, geological and hydrogeological environment (including internationally, nationally or locally designated sites and irreplaceable habitats). This would include consideration of nutrient enrichment on designated sites and irreplaceable habitats if relevant to the location of the proposed facility. A Habitats Regulations Assessment (Task 1 Test of Likely Significant Effects) has been carried out on the NM&WLP. Any planning application submitted would also need to be assessed under the Conservation of the Habitats and Species Regulations 2017 (as amended).

It should also be noted that composting and anaerobic digestion facilities would require an Environmental Permit from the Environment Agency and paragraph 188 of the NPPF (2023) states: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively." The Environment Agency's standard rules permits for composting facilities state that the acceptance, storage, physical treatment and composting of waste shall take place only on an impermeable surface with a sealed drainage system.

Chapter 1. Introduction

One representation received commenting on paragraph 1.2 of Chapter 1:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID 99118]: (Comment)

Factual issues - 1.2 – rather than ‘lodged with district councils’ say ‘lodged with Norfolk Local Planning Authorities’ – as written, it excludes the Broads Authority.

NCC Planning Officer response: A minor modification to paragraph 1.2 will be proposed to change this wording as suggested.

Chapter 2. NM&WLP process

One representation received commenting on paragraph 2.6 of Chapter 2:

Respondent: **Norfolk County Council - Natural Environment Team** (James Fisher) [Person ID: 21965]

Representation [Rep ID: 99409]: (Comment)

Suggested change: It may be helpful to clarify that applicants will be required to submit ecological information to demonstrate that their proposal meets the requirement as set out in the Environment Act 2021 to achieve a minimum 10% net gain in biodiversity.

NCC Planning Officer response: Noted. A minor modification will be proposed to include this information in paragraph 2.6.

One representation received objecting to paragraph 2.8 of Chapter 2:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99220]: (Objection)

Para 2.8/2.9 and site assessments for allocations Historic Environment and Archaeology assessment We have reviewed the site assessments methodology and the site assessments themselves. Whilst these are a helpful starting point, they do not constitute Heritage Impact Assessments. As advised in previous consultations, we continue to request that Heritage Impact Assessments are prepared to inform a number of the more sensitive the allocations. Our advice note 13 Mineral Extraction and Archaeology (<https://historicengland.org.uk/imagesbooks/publications/mineral-extraction-and-archaeology-advice-note-13/heag278-mineral-extraction-and-archaeology/>) sets out the requirement for heritage impact assessments to inform site allocations in Minerals Plans. It states, ‘Where potential allocations are identified as being likely to impact on heritage assets, undertake an appropriate Heritage Impact Assessment to evaluate the extent to which the significance of any assets may be harmed and to identify measures to remove or reduce that harm. Historic England Advice Note 3: The Historic Environment and Site Allocations in Local Plans sets out advice on site allocations in Local Plans’. The 5-step methodology for HIA is set out on page 5 of our advice note HEAN 3 Site Allocations in Local Plans (<https://historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/>).

Suggested change: Prepare Heritage Impact Assessments for the sites indicated (MIN 96 Spixworth and MIN 25 Haddiscoe) prior to EiP to inform site allocation and revised policy wording.

NCC Planning Officer response: Noted. See our responses to HE representation 99247 regarding MIN 96 at Spixworth and HE representation 99257 regarding MIN 25 at Haddiscoe.

Chapter 3. Norfolk Spatial Portrait

One representation received commenting on paragraph 3.12 of Chapter 3:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99120]: (comment)

3.12 – could the navigable waterways of the Broads be used for the transport of such freight?

NCC Planning Officer response: There is the potential for the navigable waterways of the Broads to be used for the transport of minerals and waste associated freight, but this would depend on where the source and the market for the minerals or waste is in relation to the Broads and locations for unloading and offloading the minerals or waste. Paragraph 3.12 does not currently refer to the use of the Broads for transport of minerals and waste as it is not currently used for that purpose.

One representation received objecting to paragraph 3.21 of Chapter 3:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99221]: (Objection)

3.21- 3.23 Carstone We welcome the reference to Carstone. It is important that provision should be made to protect historic sources of building stone from sterilisation from non-minerals development or from overuse as fill etc. in order that they might be used for the future repair of historic properties or even for new build using traditional vernacular. The plan should provide an appropriate Policy which would facilitate the reopening of historic sources of building stone where they are needed for the future repair of historic properties/ building in the traditional vernacular.

Suggested change: Ensure provision is made for the use of Carstone in repairs of historic buildings and for new build in the traditional vernacular materials.

NCC Planning Officer response: We do not consider that a specific policy is required. Policy MP11 safeguards mineral resources. Site MIN 6 is already allocated within the adopted Minerals Site Specific Allocations Development Plan Document and the uses for carstone from this site were discussed at the EIP in 2013. The Carstone generally found within this part of the deposit has been worked for many years and has been generally found to contain insufficient iron to make it suitable for use as dimension stone, which is most often being found further north in the deposit including at the existing permitted site at Snettisham. While the allocation of minerals specific sites requires site investigations due to the variable nature of the deposit, it is only possible to get a general view of the underlying geology. However, as carstone suitable for use as dimension stone has a far higher market value than that of construction fill it is reasonable to assume that the operator will ensure that they get best value for any carstone of sufficient quality to be used as dimension stone, if such material is found during extraction. Due to the variable nature of the geological deposit it is not possible to ascertain a tonnage for the permitted reserve that would be suitable for use as dimension stone through trial boreholes. However, it is known that suitable material has been extracted in the past from the permitted sites when encountered, and that based on the relatively small quantities of Carstone extracted per annum this would continue to occur through the Plan Period.

Norfolk County Council carried out a 'call for mineral extraction sites' as part of the production of the NM&WLP and no other sites for Carstone extraction were submitted for consideration, although there are other existing permitted Carstone extraction sites. At the end of 2021 the landbank of permitted reserves for Carstone in Norfolk was 1.524 million tonnes, which would last over 16 years based on the previous 10-years average sales.

Chapter 4. The Strategy – Vision and Strategic Objectives

Minerals and Waste Local Plan Vision to 2038

One representation received supporting the vision:

Respondent: **Essex County Council** (Philip Dash) [Person ID: 16208]

Representation [Rep ID: 99167]: (Support)

Vision The intention for Norfolk to be self-sufficient in sand and gravel production and waste management, where practicable, is supported. The continuing recognition that Norfolk is an important supplier at the national level of silica sand is also welcomed, as is the acknowledgement of the need to safeguard minerals and waste infrastructure. The inclusion of all developments providing biodiversity net gains is supported.

NCC Planning Officer response: Support noted.

One representation received objecting to the vision:

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99336]: (Objection)

We support the requirement for progressive restoration schemes and the enhancement of Norfolk's biodiversity but given the significant changes since the previous iteration of the plan in 2019 (changes to the National Planning Policy Framework, the passing of the Environment Act 2021 and the Leaders Pledge for Nature made at a virtual United Nations event in September 2020), there is a clear need for planning policy to not only encourage but ensure delivery of nature's recovery.

Recent reporting from the COP27 and COP15 international summits on climate change and biodiversity, highlight the need for significant and urgent progress to be made in tackling the interlinked global crises of biodiversity loss and climate change.

We expect all Norfolk planning policy to make serious and effective contributions towards society's goals of delivering a carbon neutral future and halting the ongoing decline of biodiversity, in line with legal requirements set out legislation such as the Climate Change Act and the Environment Act.

To bring greater certainty to the framing of the objectives and ensure that the plan not only supports meaningful change but requires it, we recommend the wording of the Vision is changed.

Suggested change: Where the plan states 'Mineral development and waste management facilities will be located, designed and operated without unacceptable adverse impacts on the amenity of local communities, the natural, built and historic environment, the landscape and townscape of Norfolk. Opportunities to enhance such features will be supported and all developments will provide biodiversity net gains.' In order to bring greater certainty to the framing of the objectives, we recommend the wording of the final sentence is changed to read 'Opportunities to enhance such features will be supported and all development will provide measurable biodiversity net gains'.

We recommend that in order to help frame and support plan objectives and policies that actively deliver the necessary outcomes, that the wording of this final paragraph of the Vision is modified as follows: 'Minerals development and waste management within Norfolk will be undertaken in ways that [insert: ensure that all development consented under its policies contributes to carbon neutrality and avoids development which results in a net carbon burden to society as it progresses towards the 2050 net zero legal targets. It will also be designed and located to ensure that all opportunities to avoid, reduce and mitigate climate change contributions, and maximise adaptation measures to climatic effects, such as flooding are taken in site allocation and design'.]

NCC Planning Officer response: For the suggested change regarding biodiversity net gain, we will be proposing a minor modification to amend the relevant sentence to state "Opportunities to enhance such features will be supported and all development will provide a minimum measurable 10% biodiversity net gain" (as suggested by Natural England in representation 99423).

In terms of the suggested changes to the final paragraph of the vision regarding climate change, we do not consider that this level of detail is appropriate for the vision and such a level of detail has not been included for other topic areas of the vision (such as amenity). Policy MW3 'Climate change mitigation and adaptation' includes further details on what will be expected of developments at the planning application stage.

Norfolk County Council's 'Local List for the Validation of Minerals and Waste Planning Applications' (2023) requires all planning applications for major development to submit a 'climate change, energy, renewable energy and sustainability statement' to set out how details of sustainable design and construction have been addressed.

Two representations received commenting on the vision:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99423]: (Comment)

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.

Nature Recovery Network (NRN) and Local Nature Recovery Strategies (LNRs)

Natural England commends the NMWLP for acknowledging the potential that restoration and after-use of mineral workings has for the benefit of enhancing landscape, geodiversity and biodiversity. We welcome the reference to contributing, "to identified strategic green infrastructure corridors and known ecological networks," made in Policy MP7. We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/naturerecovery-network/nature-recovery-network>] is also included in the Plan vision (pg. 19). The NRN is a commitment in the government's 25 Year Environment Plan and enacted by the Environment Act 2021. Natural England is working with partners on NRN and the development of LNRs [<https://consult.defra.gov.uk/land-use/local-nature-recovery-strategies/>]. The NRN is used to refer to a single, growing national network of improved joined-up, wildlife rich places which will benefit people and wildlife. LNRs will be the key mechanism for planning and mapping local delivery of the NRN. LNRs will form a new system of spatial strategies for nature that will be mandated by the Environment Act. They will cover the whole of England and will be developed by Responsible Authorities (RAs) appointed by the Secretary of State, usually at a county scale. Each strategy will:

- Map the most valuable existing habitat for nature
- Map specific proposals for creating or improving habitat for nature and wider environment goals
- Agree priorities for nature's recovery

LNRs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area.

Biodiversity Net Gain (BNG)

In line with paragraph 174(d) of the NPPF, reference to providing BNG is made throughout the NMWLP, which Natural England commends. BNG will be an important tool in securing investment for nature recovery through the planning system, helping deliver the government's commitment to create a national NRN. However, we advise strengthening this wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG. Strategic level viability assessments in Kent have concluded that this shift will not impact viability in most cases irrespective of onsite or offsite BNG delivery. This is because after the initial cost of securing the minimum 10% BNG, the cost of increase to 15 or 20% is much less and generally negligible. Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project.

It is the government's intention that mandatory BNG will provide a financial incentive for development to support the delivery of LNRs through an uplift in the calculation of biodiversity units created at sites identified by the strategy through the Biodiversity Metric 'strategic significance' scoring.

Suggested change: We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/nature-recovery-network/nature-recovery-network>] is also included in the Plan vision (pg. 19). we advise strengthening this wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG.

NCC Planning Officer response: Norfolk County Council has not carried out any viability assessments to date on BNG so unfortunately, we do not currently have any evidence to support an increase in BNG above the mandatory 10% at waste management developments and therefore we are not able to include a higher BNG requirement in the NM&WLP. The 'Viability Assessment of Biodiversity Net Gain in Kent' referred to in this representation was regarding 7 housing development types and 3 commercial development types (2 industrial and one office). The commercial results were based on build cost and rentable value of the development and found that in Kent industrial development would be viable in some cases and marginally unviable in others. There was no viability assessment in the Kent study that would be applicable to mineral development. The land values used were obviously specific to Kent and the same study in Norfolk may come to different conclusions. A minor modification will be proposed to the seventh paragraph in the Minerals and Waste Local Plan Vision to 2038, so that the last sentence of that paragraph will state "Opportunities to enhance such features will be supported. All developments will provide a minimum measurable 10% biodiversity net gain and wherever possible contribute to the delivery of the national Nature Recovery Network objectives".

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99509]: (Comment)

Norfolk Gravel would support the Vision promoted by the council in section 4 of the document. However, the company would like to see emphasis placed on the value and significance of minerals and waste development in providing a diverse and affluent rural economy consistent with Paragraph 84 of the NPPF (2021).

NCC Planning Officer response: The vision already refers to the importance of minerals to support sustainable economic growth generally. Based on the contents of the NPPF regarding minerals and the NPPW regarding waste we do not consider that it is necessary to amend the vision as suggested.

Minerals Strategic Objectives

One representation received objecting to these objectives:

Respondent: **Breedon Trading Limited** (Shaun Denny) [Person ID: 21948]

Representation [Rep ID: 99289]: (Objection)

To fully reflect guidance provided by NPPF paragraph MS01 should refer to the need to provide a steady and adequate supply of aggregate minerals for at least a seven year landbank.

Suggested change: To provide a steady and adequate supply of aggregate minerals and to provide at least a 7-year land bank for sand and gravel, and 10-year landbank for carstone, by identifying adequate mineral extraction sites/areas within Norfolk sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure.

NCC Planning Officer response: We do not consider it is necessary to amend MS01 as suggested because these details are contained in the NPPF 2023 (paragraph 213) and Policy MP1 of the NM&WLP.

Five representations received commenting on these objectives:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99222]: (Comment)

Map 1 Key Diagram We note that the map includes lots of different designations but no heritage designations. Whilst we appreciate that putting individual listed buildings on such a map of this scale would be difficult, area-based designations e.g. Conservation Areas, Registered Parks and Gardens and scheduled monuments could be included and would help to identify a wider range of environmental factors.

Suggested change: Include heritage designations e.g. conservation areas, registered parks and gardens and scheduled monuments on the map.

NCC Planning Officer response: Historic England had raised this issue at the Preferred Options stage, but we considered that the scale of Map 1 Key Diagram is not suitable to include conservation areas, registered parks and gardens and scheduled monuments on this map. However, all these heritage designations are included on the Policies Map which accompanies the NM&WLP.

Respondent: **Norwich City Council** (Joy Brown) [Person ID: 21952]

Representation [Rep ID: 99303]: (Comment)

Whilst Norwich City Council has no objection to objective MS05 or policy MP10, for the avoidance of doubt 'agent of change' should be defined.

Suggested change: Agent of change should be defined either within the explanatory text or within the glossary.

NCC Planning Officer response: Noted. Whilst the agent of change principle is set out in paragraph 187 of the NPPF 2023 we agree it would be useful for it to be defined within the NM&WLP. We will therefore propose a minor modification to include this information.

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99424]: (Comment)

Natural England welcome the Plan's emphasis on ensuring Biodiversity Net Gain (BNG) is achieved, enhancing the green infrastructure network, and taking a positive approach to mitigate and adapt to climate change. There is also a clear emphasis on ensuring high quality restoration and after-use of sites to protect Best and Most Versatile (BMV) Agricultural Land and to enhance Norfolk's biodiversity and protect its landscapes. However, we advise that there is scope for the Plan to be more ambitious in its delivery of some of these policies and objectives. Natural England commends the NMWLP for acknowledging the potential that restoration and after-use of mineral workings has for the benefit of enhancing landscape, geodiversity and biodiversity. We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/nature-recovery-network/nature-recovery-network>] is also included within Minerals Strategic Objective MS09 (pg. 21). The NRN is a commitment in the government's

25 Year Environment Plan and enacted by the Environment Act 2021. Natural England is working with partners on NRN and the development of LNRSs [<https://consult.defra.gov.uk/land-use/local-nature-recovery-strategies/>]. The NRN is used to refer to a single, growing national network of improved joined-up, wildlife rich places which will benefit people and wildlife. LNRSs will be the key mechanism for planning and mapping local delivery of the NRN. LNRSs will form a new system of spatial strategies for nature that will be mandated by the Environment Act. They will cover the whole of England and will be developed by Responsible Authorities (RAs) appointed by the Secretary of State, usually at a county scale. Each strategy will:

- Map the most valuable existing habitat for nature
- Map specific proposals for creating or improving habitat for nature and wider environment goals
- Agree priorities for nature's recovery

LNRSs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area.

Biodiversity Net Gain (BNG)

In line with paragraph 174(d) of the NPPF, reference to providing BNG is made throughout the NMWLP, which Natural England commends. BNG will be an important tool in securing investment for nature recovery through the planning system, helping deliver the government's commitment to create a national NRN. However, we advise strengthening this wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG. Strategic level viability assessments in Kent have concluded that this shift will not impact viability in most cases irrespective of onsite or offsite BNG delivery. This is because after the initial cost of securing the minimum 10% BNG, the cost of increase to 15 or 20% is much less and generally negligible. Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. It is the government's intention that mandatory BNG will provide a financial incentive for development to support the delivery of LNRSs through an uplift in the calculation of biodiversity units created at sites identified by the strategy through the Biodiversity Metric 'strategic significance' scoring.

Suggested change: We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/naturerecovery-network/nature-recovery-network>] is also included within Minerals Strategic Objective MS09 (pg. 21). We advise strengthening this wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG.

NCC Planning Officer response: Norfolk County Council has not carried out any viability assessments to date on BNG so unfortunately, we do not currently have any evidence to support an increase in BNG above the mandatory 10% at mineral developments and therefore we are not able to include a higher BNG requirement in the NM&WLP. The 'Viability Assessment of Biodiversity Net Gain in Kent' referred to in this representation was regarding 7 housing development types and 3 commercial development types (2 industrial and one office). The commercial results were based on build cost and rentable value of the development and found that in Kent industrial development would be viable in some cases and marginally unviable in others. There was no viability assessment in the Kent study that would be applicable to mineral development. The land values used were obviously specific to Kent and the same study in Norfolk may come to different conclusions. A minor modification will be proposed to the last sentence of MS09 to state "The restoration and aftercare will protect and enhance the environment, including landscape improvements, contributing to the delivery of the national Nature Recovery Network objectives and the provision of a minimum measurable 10% biodiversity net gain".

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99290]: (Comment)

Mineral Strategic Objective The following adjustments are suggested to objectives MSO1 and MSO2 to make them to properly reflect NPPF;

Suggested change: MSO1. To provide a steady and adequate supply of aggregate minerals [insert: 'and to provide at least a 7-year land bank for sand and gravel, and 10-year landbank for Carstone'], by identifying adequate mineral extraction sites/areas within Norfolk sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure.

MSO2. To provide a steady and adequate supply of industrial minerals by identifying adequate mineral extraction sites/areas within Norfolk sufficient to meet the forecast need [insert: 'and stocks of permitted reserves of silica sand of at least 10 years production for individual silica sites or at least 15 years where significant new capital is capital is required'] and safeguarding existing infrastructure.

NCC Planning Officer response: We do not consider it is necessary to amend MSO1 and MSO2 as suggested because these details are contained in the NPPF 2023 (paragraphs 213 and 214) and Policy MP1 of the NM&WLP.

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99306]: (Comment)

Suggested change: In relation to the Minerals Objectives, whilst Norfolk Gravel recognise that the council have an objective to provide a steady and adequate supply, it is considered that this needs to also include the actual commitment (i.e requirement to maintain relevant landbanks).

NCC Planning Officer response: We do not consider it is necessary to amend MSO1 and MSO2 as suggested because these details are contained in the NPPF 2023 (paragraphs 213 and 214) and Policy MP1 of the NM&WLP.

Waste Management Strategic Objectives

One representation received commenting on these objectives:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99426]: (Comment)

Natural England welcome the Plan's emphasis on ensuring Biodiversity Net Gain (BNG) is achieved, enhancing the green infrastructure network, and taking a positive approach to mitigate and adapt to climate change. There is also a clear emphasis on ensuring high quality restoration and after-use of sites to protect Best and Most Versatile (BMV) Agricultural Land and to enhance Norfolk's biodiversity and protect its landscapes. However, we advise that there is scope for the Plan to be more ambitious in its delivery of some of these policies and objectives. Nature Recovery Network (NRN) and Local Nature Recovery Strategies (LNRs) Natural England commends the NMWLP for acknowledging the potential that restoration and after-use of mineral workings has for the benefit of enhancing landscape, geodiversity and biodiversity. We would advise that reference to the Nature Recovery Network is also included within Waste Management Strategic Objective WS07 (pg. 20). The NRN is a commitment in the government's 25 Year Environment Plan and enacted by the Environment Act 2021. Natural England is working with partners on NRN and the development of LNRs. The NRN is used to refer to a single, growing national network of improved joined-up, wildlife rich places which will benefit people and wildlife. LNRs will be the key mechanism for planning and mapping local delivery of the NRN. LNRs will form a new system of spatial strategies for nature that will be mandated by the Environment Act. They will cover the whole of England and will be developed by Responsible Authorities (RAs) appointed by the Secretary of State, usually at a county scale. Each strategy will:

- Map the most valuable existing habitat for nature
- Map specific proposals for creating or improving habitat for nature and wider environment goals
- Agree priorities for nature's recovery

LNRs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area. Biodiversity Net Gain (BNG) in line with paragraph 174(d) of the NPPF, reference to providing BNG is made throughout the NMWLP, which Natural England commends. BNG will be an important tool in securing investment for nature recovery through the planning system, helping deliver the government's commitment to create a national NRN. However, we advise strengthening this wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG. Strategic level viability assessments in Kent have concluded that this shift will not impact viability in most cases irrespective of onsite or offsite BNG delivery. This is because after the initial cost of securing the minimum 10% BNG, the cost of increase to 15 or 20% is much less and generally negligible. Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. It is the government's intention that mandatory BNG will provide a financial incentive for development to support the delivery of LNRs through an uplift in the calculation of biodiversity units created at sites identified by the strategy through the Biodiversity Metric 'strategic significance' scoring.

Suggested change: We would advise that reference to the Nature Recovery Network is also included within Waste Management Strategic Objective WS07 (pg. 20). We advise strengthening the wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG.

NCC Planning Officer response: Norfolk County Council has not carried out any viability assessments to date on BNG so unfortunately, we do not currently have any evidence to support an increase in BNG above the mandatory 10% at waste management developments and therefore we are not able to include a higher BNG requirement in the NM&WLP. The 'Viability Assessment of Biodiversity Net Gain in Kent' referred to in this representation was regarding 7 housing development types and 3 commercial development types (2

industrial and one office). The commercial results were based on build cost and rentable value of the development and found that in Kent industrial development would be viable in some cases and marginally unviable in others. There is the possibility that the industrial development category could apply to some types of waste management developments (those suitable to be located on employment land). The land values used were obviously specific to Kent and the same study in Norfolk may come to different conclusions.

A minor modification will be proposed to the last sentence of WSO7 to state: “All developments will provide a minimum measurable 10% biodiversity net gain and temporary developments will contribute to the delivery of the national Nature Recovery Network objectives on restoration”.

Chapter 5. Presumption in favour of sustainable development

One representation received commenting on this chapter:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99510]: (comment)

Norfolk Gravel is pleased to see the council’s commitment to Sustainable Development, but remains disappointed to note that the council haven’t provided a clear policy in this regard. Such an approach is clearly not consistent with the NPPF nor the attendant Planning Practice Guidance. The council already has a policy in this regard (SD1 of the Mineral Site Allocations DOD 2017) which could be easily translated into this emerging policy document.

NCC Planning Officer response: There is no longer a requirement to include a policy with the wording of existing Policy SD1 of the Minerals Site Allocations DPD 2017 in a new Local Plan because it directly duplicates the NPPF.

Policy MW1. Development Management Criteria

Six representations received objecting to Policy MW1:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99138]: (Objection)

It is good that light pollution is mentioned in terms of amenity, but situations could arise where a site is isolated and there would be no impacts on amenity, but light pollution could be caused. The policy needs to consider the impact of light pollution in all instances – on people, landscape, dark skies, wildlife. The current wording is narrow in scope – only impact on people (amenity). Addressing light pollution is not necessarily about not having lighting, but a good design, doing what is needed at the right intensity and for as long as needed. Particularly in or near the Broads which have intrinsically dark skies. As worded, the policy means that schemes that have external lighting that does not cause amenity issues, but could cause other light pollution issues, fall through the gap.

Suggested change: Another criterion needs to be added that specifically talks about light pollution. Para 6.12 is very good, but that is not policy – adding that wording as a new criterion would address our comment. Noting our comments on para 6.16 (see other comment), lighting needs to be fully justified as well. Referring to this guide would also address our comments: “Towards A Dark Sky Standard” [<https://www.southdowns.gov.uk/wp-content/uploads/2021/08/Towards-A-Dark-Sky-Standard-V1.1.pdf>]. This is a general guide and overview of the key considerations needed for good lighting design and the protection of dark skies.

NCC Planning Officer response: Noted. We accept that the policy currently only contains a specific reference to light pollution in terms of amenity and it would be beneficial to include a wider reference to light pollution impacts. Therefore, we will propose a modification to bullet point h of policy MW1 to state: ‘The appearance, quality and character of the landscape, countryside and visual environment, including intrinsically dark landscapes, and any local features that contribute to its distinctiveness’.

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99144]: (Objection)

MW1 part 1 – to be consistent with the NPPF, this criterion needs to mention the impact on the setting of these assets as well as on the assets themselves.

Suggested change: Change criterion to say: Protected landscapes [insert: 'and their setting'] including the Norfolk Coast Area of Outstanding Natural Beauty, the Heritage Coast and the Broads.

NCC Planning Officer response: The NPPF (para 176) specifically refers to the protected landscapes and only refers to development within the setting in terms of its impact on the protected landscape, as follows: “development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas”. Therefore, the current policy wording is in accordance with the NPPF and does not need to make specific reference to their setting. This is because the reference to setting in the NPPF is in relation to the impact of the development on the designated area, not on the setting itself.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID 99224]: (Objection)

Whilst we appreciate that you have made some changes to policy MW1 to include more references to the historic environment, which is welcome, it is still our view that there is currently insufficient policy provision for the historic environment in the Plan. Normally we would expect to see a specific separate policy for the historic environment in a Minerals and Waste Local Plan. This policy is insufficient as it stands. We are particularly concerned about the lack of detail in relation to below ground archaeology. In order to make this policy consistent with the NPPF and effective in securing sustainable development, we suggest that the policy wording is amended.

Although our preference would be for a separate historic environment policy, we recognise that this policy is now much more detailed in relation to the historic environment which is welcomed. We note that the policy has been expanded to include greater reference to the historic environment which is welcomed. This has included reference to the NPPF, balancing harm and public benefit and avoiding harm in the first. The policy does reference cumulative effects and enhancement which is welcomed. The policy now also includes reference to the need to conserve and where opportunities arise enhance the historic environment which is welcomed. In the list of bullet points we suggest a minor rewording to read;

- the [delete: setting] significance of heritage assets [insert: '(including any contribution made to significance by setting)'] and protected landscapes,

Although this represents an improvement on the previous draft of the policy, we remain concerned that the policy does not provide sufficient protection for the historic environment. Normally we would expect to see a specific separate policy for the historic environment in a Minerals and Waste Local Plan. This policy is insufficient as it stands. This policy remains unsound as it does not meet the requirements of paragraph 210(f) of the Framework. In fact, Policy MW2 appears to be a similar list of areas to cover in paragraph 210 but provides limited historic environment criteria against which planning applications will be assessed so as to ensure that there are no unacceptable adverse impacts. As this policy underpins all the other policies in the plan we are concerned that, as drafted, this policy undermines the plan. We are also concerned about the lack of detail in relation to below ground archaeology in this policy. In relation to archaeology, we offer the following more detailed advice:

When considering the historic environment, it is necessary to consider the below ground archaeological remains which includes structures, artefacts, and deposits/features of palaeoenvironmental and geoarchaeological interest such as palaeochannels. The potential for these sorts of remains to be present, both within the area of proposed works and in the adjacent areas needs to be investigated as part of the desk-based assessment and evaluation stages. The impacts of the proposed extraction works also need to be considered in terms of the direct and indirect impacts that may occur. This includes the potential for the works to alter the groundwater levels within the areas of the proposed works and in adjacent areas, which may affect the movement of water through archaeological deposits, or the preservation conditions. If this occurs it can result in the damage or even loss of vulnerable archaeological remains, such as waterlogged wood, leather or palaeoenvironmental remains, or effect the preservation of archaeological materials (e.g. peat). There is also the potential for the effects of mineral extraction to impact adjacent areas. For example, hydrological assessments were carried out before, during and after the extraction of materials at the Over quarry, Cambridgeshire, which demonstrated that ground water levels were lowered by between 2 to 5m up to 500m from the quarry face (French 2004, Environmental Archaeology vol 9).

We would therefore recommend that the following Historic England documents are referred to in terms of the materials that may be present and how the potential impacts could be investigated, such as changes to the groundwater levels or chemistry in the area:

Preservation of Archaeological Remains (2016): <https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/>

Environmental Archaeology (2011): <https://historicengland.org.uk/images-books/publications/environmental-archaeology-2nd/>

Geoarchaeology (2015): <https://historicengland.org.uk/images-books/publications/geoarchaeology-earth-sciences-to-understandarchaeological-record/>

Suggested change: Include a separate policy for the historic environment to more closely reflect the requirements of the NPPF. This should cover matters such as the need to conserve and enhance heritage assets and their settings and incorporate the relevant tests in relation to harm. The separate historic environment policy should also address below ground archaeology.

NCC Planning Officer response: We do not consider that a separate policy for the historic environment is required, and we consider that Policy MW1 is in accordance with paragraph 210 (f) of the NPPF.

We will propose a modification to amend the bullet point of the policy as suggested to “the significance of heritage assets (including any contribution made to significance by setting) and protected landscapes”.

Policy MW1 includes requirements (m) and (l). Policy MW1 also includes for the avoidance of doubt; reference to the Historic Environment policy requirements set out in the NPPF. In order to provide more detail on how below ground archaeology will be addressed at the planning application stage, we will propose a modification to add the following wording to policy MW1 “Subject to the development proposal meeting the NPPF historic environment policy requirements, the preferred mitigation for developments affecting archaeological assets of less than national importance will be through the preservation of the archaeological remains in situ. Where in situ preservation is not justified, adequate provision must be made for excavation and recording including subsequent analysis, publication and archive deposition before or during development.”

Information on the required contents of a Heritage Statement and an Archaeology Statement at the planning application stage are contained within Norfolk County Council’s “National and Local Validation Requirements for Minerals and Waste Planning Applications” (2023). We do not consider that the level of detail proposed by Historic England regarding archaeological assessments is appropriate to include within a planning policy. We are willing to propose a modification to the supporting text (paragraph 6.31) to include further information.

Norfolk County Council as the MPA has a proven record in ensuring that heritage assets including below ground assets, such as archaeological, and paleoenvironmental assets are identified, and appropriate investigation and mitigation measures put in place through planning applications. Significant archaeological investigations and research have been carried out on mineral extraction sites in Norfolk as a result. Therefore, we consider that Policy MW1 contains appropriate requirements for correct treatment of such heritage assets, and that no change is required.

It is also considered inappropriate to reference within the policy, documents which might be updated within the lifetime of the Local Plan and therefore potentially render a policy out of date. We are willing to propose a modification to the supporting text (paragraph 6.31) to refer to the relevant Historic England documents. All planning applications for mineral development are subject to consultation with the Norfolk Historic Environment Team who would undoubtedly refer to the current national Historic Environment guidance at the time of any future application.

The geology within Norfolk is also significantly different to that found in the examples quoted from Cambridgeshire. Peat is far more sparsely found within Norfolk.

The NM&WLP is consistent with national policy in not allocating land for peat extraction (NPPF paragraph 210 (a)). Furthermore, NPPF paragraph 211 (d) is clear that planning permission should not be granted for windfall peat extraction sites. Peat is also not commonly found as overburden for other mineral extraction within Norfolk, due to it generally being the case that mineral resources are extracted significantly above the water table compared with the situation in Cambridgeshire.

The additional text proposed for the end of paragraph 6.31 is as follows:

“Both the direct and indirect impacts on archaeological remains, that may occur from proposed mineral extraction, need to be considered. This includes the potential for the works to alter the groundwater levels within the areas of the proposed works and in adjacent areas, which may affect the movement of water through archaeological deposits, or the preservation conditions. If this occurs it can result in the damage or even loss of vulnerable archaeological remains, such as waterlogged wood, leather or palaeoenvironmental remains, or effect the preservation of archaeological materials (e.g. peat).

With regards to below ground archaeology, Historic England has produced the following relevant guidance documents on materials that may be present and how the potential impacts (such as changes to the groundwater levels or chemistry in the area) could be investigated): Preservation of Archaeological Remains

(2016), Environmental Archaeology (2011) and Geoarchaeology (2015), Mineral Extraction and Archaeology Advice Note 13 (2020).”

Respondent: **Pauline Davies** [Person ID: 21940]

Representation [Rep ID: 99201]: (Objection)

Having reviewed the available documentation considering mineral extraction and waste management in Norfolk with other scientific evidence, I am concerned that climate change and the risk of flooding issues are not addressed sufficiently within the narrative and responses. Please see the map diagram from the journey of flood management 2020, showing flood risk in Norfolk. In this regard, several submissions by various environmentally focused agencies that signal concerns have met a council response that indicates that no action is required.

Attachment: Flood Risk Map - <https://norfolk.oc2.uk/a/svvp>

NCC Planning Officer response: Responses received regarding flood risk, from the Environment Agency and the Lead Local Flood Authority to policy MW1 (Development Management Criteria) at the Preferred Options stage have been taken into account in revised policy text in the Publication document. Policy MW1 states that proposals must demonstrate that the development would not have an unacceptable impact on “flood risk from all sources to those working on site or an increase in flood risk elsewhere, as demonstrated by a Flood Risk Assessment (where required by the National Planning Policy Framework) and making an allowance for climate change”. Paragraphs 6.39 to 6.42 provide further information on flood risk. The NPPF and the national Planning Policy Guidance also provide detailed information on flood risk. There is also a separate Policy MW3 on climate change mitigation and adaptation.

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99271]: (Objection)

We note that the policy has been amended to include additional clauses regarding the conservation and enhancement of the natural, built and historic environment, and surrounding landscapes. Whilst we support the policy aims, the approach is unclear and does not provide sufficient detail for applicants. For example, the bulleted list provides a range of measures and enhancements to be provided, but these should be informed by the context of the application, given that the nature of mineral extraction and waste management proposals vary significantly. Furthermore, the supporting text for the requirement to provide biodiversity and geodiversity net gains, does not provide an interpretation of geodiversity net gain nor how applicants should demonstrate how it will be provided and managed.

Suggested change: We disagree with the use of the 'must' in the final section of this policy, as the purpose of planning is to balance the benefits versus the harm. We propose that 'should' is a term that provides a better interpretation of this policy requirement, particularly as enhancement measures need to be justified and proportionate to development proposals. The policy seeks to address a wide range of development management criteria and it may be clearer if it is split into specific subject/topic areas that reflects the supporting text.

NCC Planning Officer response: The policy states that “proposals must also conserve and where opportunities arise enhance ...” therefore, in terms of enhancement the policy wording provides flexibility as to when specific enhancement measures will be appropriate and what the enhancement measures could be. Therefore, enhancement measures will be informed by the context of the application and assessed on a case-by-case basis at the planning application stage. Therefore, no change is required to the policy wording.

The principle of the provision of geodiversity gains is to deliver measurable improvements for geodiversity by creating or enhancing opportunities for the study or research of geodiversity either by providing areas for this (such as open faces) or by research or study of geological exposures during the course of the development. This would again be subject to the wording above regarding opportunities, and so would be assessed on a case-by-case basis informed by the context of each application.

We will propose an amendment to paragraph 6.21 to insert a new sentence to state “Geodiversity gains will be assessed on a case-by-case basis informed by the context of each application.”

Geodiversity is defined in the glossary of the NM&WLP.

Respondent **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99541]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "legal compliance" and of administrative "soundness."

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E. The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood.

Suggested change: 19. Policy MW2: Development Management Criteria Under s. (i) Public Open Spaces, suggest adding at the end, "including appropriate well-used, open-access, Forestry Commission land."

NCC Planning Officer response: No change is required. 'Open space' is defined in the NPPF (2023) as 'all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.' Therefore public open space would include open access Forestry Commission land.

Two representations received supporting Policy MW1:

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99338]: (Support)

We support the inclusion of the natural environment in the list of features where development would only be regarded if unacceptable impacts are avoided. The requirement to conserve and enhance the natural environment as set out in this policy is a clear commitment to the biodiversity duty laid on the Council in the Natural Environment & Rural Communities Act 2006 and the 2021 Environment Act.

NCC Planning Officer response: Support noted.

Respondent: **Ministry Of Defence (Defence Infrastructure Organisation)** (Chris Waldron) [Person ID: 21971]

Representation [Rep ID: 99467]: (Support)

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a statutory consultee in the UK planning system to ensure designated zones around key operational defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites are not adversely affected by development outside the MOD estate. For clarity, this response relates to MOD Safeguarding concerns only and should be read in conjunction with any other submissions that might be provided by other MOD sites or departments. DIO Safeguarding may be involved in the planning system both as a statutory and/or non-statutory consultee. Statutory consultation occurs as a result of the provisions of the Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and the location data and criteria set out on safeguarding maps published by the Secretary of State for Defence and issued by Department for Levelling Up, Housing and Communities (DLUHC) in accordance with the provisions of that Direction.

The area covered by the NM&WLP will both contain and be washed over by safeguarding zones that are designated to preserve the operation and capability of defence assets and sites including RAF Marham, RAF Mildenhall, RAF Lakenheath, RAF Honington, RAF Trimmingham, RAF Weyborne, RAF Neatishead and the East 2 WAM Network. Copies of these plans, in both GIS shapefile and .pdf format, can be provided on request through the email address above. The MODs primary concern with respect to minerals and waste development is the potential for detriment to aviation safety, specifically related to birdstrike. The working or subsequent restoration of either mineral or waste sites have the capacity to form environments that might attract those large and/or flocking bird species that form a hazard to aviation safety. Amongst the statutory safeguarding zones issued to Local Planning Authorities through the DLUHC are those specifically designed to identify a 12.87km (8 mile) radius around military aerodromes within which birdstrike risk is most critical. In addition to birdstrike issues, MOD may have concerns that mineral and waste development might incorporate or require structures that might fall within safeguarding zones drawn to preserve the operation and capability of technical assets such as communication systems, navigational equipment, or radar; or that might project into the airspace above and surrounding an aerodrome.

The MOD welcome the provisions of Policy MW1: Development Management Criteria and the supporting information set out in paragraphs 6.45 to 6.49 which provide an overview of the issues above and make a potential requirement for mitigation clear. It is noted that paragraph 6.49 identifies that mitigation should be provided at the planning application stage, in order to provide additional guidance to a prospective developer it would be beneficial to make clear within this section that it may be necessary that mitigation is secured through planning condition and/or planning obligation.

NCC Planning Officer response: A minor modification to paragraph 6.49 will be proposed to change this wording as suggested.

Five representations received commenting on Policy MW1:

Respondent: **Norfolk Local Access Forum (NLAF)** (Su Waldron) [Person ID: 21926]

Representation [Rep ID: 99171]: (Comment)

Given the significant impact made on local communities by extraction works, and the large sums of money generated, NLAF requests that every opportunity is taken to upgrade and enhance both footpaths, bridleways and cycleways wherever possible. Past experience suggests that when extraction works are completed, there can be considerable reluctance to honour promises of funding for restoration and improvements. NLAF asks that Norfolk County Council should find some way of ensuring that funding is ring fenced or a Bank Guarantee is put in place to ensure that agreed measures are fully implemented when the work is completed. NLAF also requests that as a statutory advisory body to the County Council on access matters, it be added (using this email address) to the list of future consultees on any matters which could impact public access to the countryside (in its widest sense).

NCC Planning Officer response: Modern planning applications for mineral extraction are required to include a restoration scheme to be submitted and agreed as part of the determination process. Agreed restoration requirements for permitted sites are included in enforceable planning conditions. Historic planning permissions often did not contain detailed restoration schemes or related planning conditions as these were not required as part of the application until relatively recently. Currently, in situations where a financial contribution is necessary for securing and maintaining the agreed restoration scheme a legal agreement under S106 of the Planning and Compulsory Purchase Act 2004 is required as part of the determination of the planning application. Therefore, the use of planning conditions and where appropriate a S106 agreement already provides suitable safeguards for restoration including Public Rights of Way (PROW). The NLAF request to be consulted is noted. NCC Public Rights of Way Team are consulted on planning applications where a PROW would be affected.

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99307]: (Comment)

The company would support Policy MW1, but would suggest that in the final paragraph when considering potential environmental benefits this could clearly states geo-diversity benefits where applicable.

Suggested change: In the final paragraph when considering potential environmental benefits this could clearly states geo-diversity benefits where applicable.

NCC Planning Officer response: The policy already states that minerals proposals must conserve and where opportunities arise, enhance the natural environment including providing biodiversity and geodiversity net gains. This is consistent with the comment made in the representation.

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99425]: (Comment)

Natural England welcome the Plan's emphasis on ensuring Biodiversity Net Gain (BNG) is achieved, enhancing the green infrastructure network, and taking a positive approach to mitigate and adapt to climate change. There is also a clear emphasis on ensuring high quality restoration and after-use of sites to protect Best and Most Versatile (BMV) Agricultural Land and to enhance Norfolk's biodiversity and protect its landscapes. However, we advise that there is scope for the Plan to be more ambitious in its delivery of some of these policies and objectives.

Nature Recovery Network (NRN) and Local Nature Recovery Strategies (LNRs)

Natural England commends the NMWLP for acknowledging the potential that restoration and after-use of mineral workings has for the benefit of enhancing landscape, geodiversity and biodiversity. We welcome the reference to contributing, "to identified strategic green infrastructure corridors and known ecological networks," made in Policy MP7. We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/naturerecovery-network/nature-recovery-network>] is also included within strategic Policy MW1 (Development Management Criteria) (pg. 27). The NRN is a commitment in the government's 25 Year Environment Plan and enacted by the Environment Act 2021.

Natural England is working with partners on NRN and the development of LNRs

[<https://consult.defra.gov.uk/land-use/local-nature-recovery-strategies/>]. The NRN is used to refer to a single, growing national network of improved joined-up, wildlife rich places which will benefit people and wildlife. LNRs will be the key mechanism for planning and mapping local delivery of the NRN. LNRs will form a new system of spatial strategies for nature that will be mandated by the Environment Act. They will cover the whole of England and will be developed by Responsible Authorities (RAs) appointed by the Secretary of State, usually at a county scale. Each strategy will:

- Map the most valuable existing habitat for nature
- Map specific proposals for creating or improving habitat for nature and wider environment goals
- Agree priorities for nature's recovery

LNRs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area.

Biodiversity Net Gain (BNG)

In line with paragraph 174(d) of the NPPF, reference to providing BNG is made throughout the NMWLP, which Natural England commends. BNG will be an important tool in securing investment for nature recovery through the planning system, helping deliver the government's commitment to create a national NRN. However, we advise strengthening this wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG. Strategic level viability assessments in Kent have concluded that this shift will not impact viability in most cases irrespective of onsite or offsite BNG delivery. This is because after the initial cost of securing the minimum 10% BNG, the cost of increase to 15 or 20% is much less and generally negligible. Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. It is the government's intention that mandatory BNG will provide a financial incentive for development to support the delivery of LNRs through an uplift in the calculation of biodiversity units created at sites identified by the strategy through the Biodiversity Metric 'strategic significance' scoring.

Suggested change: We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/naturerecovery-network/nature-recovery-network>] is also

included within strategic Policy MW1 (Development Management Criteria) (pg. 27). We advise strengthening this wording on BNG by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG.

NCC Planning Officer response: Norfolk County Council has not carried out any viability assessments to date on BNG so unfortunately, we do not currently have any evidence to support an increase in BNG above the mandatory 10% at minerals or waste management developments and therefore we are not able to include a higher BNG requirement in the NM&WLP. The 'Viability Assessment of Biodiversity Net Gain in Kent' referred to in this representation was regarding 7 housing development types and 3 commercial development types (2 industrial and one office). The commercial results were based on build cost and rentable value of the development and found that in Kent industrial development would be viable in some cases and marginally unviable in others. There was no viability assessment in the Kent study that would be applicable to mineral development. The land values used were obviously specific to Kent and the same study in Norfolk may come to different conclusions.

Whilst the provision of a minimum measurable 10% biodiversity net gain will shortly be a legal requirement (as enacted through the Environment Act 2021), and therefore there is no need to repeat it in planning policy, we will propose a modification to include this requirement in Policy MW1 for consistency and to refer to the Nature Recovery Network as requested, by amending the second bullet point to state: "providing geodiversity gains, providing a minimum measurable 10% biodiversity net gain and contributing to the delivery of the national Nature Recovery Network objectives".

Respondent: **Broadland District Council** and **South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99493 and 99522]: (Comment)

Note that Policy MW2: Development Management Criteria is now referenced as MW1, however our comment in relation to several policies concerning particular development types still referring to general development management policy (now) MW1 is reiterated, and whilst the reason for this is understood, the policies in the plan should be read as a whole.

NCC Planning Officer response: We recognise that the policies in the Plan should be read as a whole. However, where there are policies for potentially suitable land and for specific types of development, it is emphasised that the Development Management Criteria in Policy MW1 would also apply. We recognised that this is not strictly necessary, but we consider it provides clarity for non-planners and highlights that for proposals of specific development types, the general Development Management criteria policy is also relevant, not just the specific policy related to that development type.

One representation objecting to paragraph 6.9 of the supporting text to Policy MW1:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99538]: (Objection)

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 paragraphs 98 and 99 are quoted.

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.

1.The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law.

How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "legal compliance" and of administrative "soundness."

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E. The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood.

Suggested change: 23. Under Pollution and Local Community Inputs, on page 28 of the NMWLP document, May 2022, s. 6.9: suggest adding the phrase, "including areas of public recreation." to the end of the first sentence.

NCC Planning Officer response: It is not necessary to add the suggested phrase to paragraph 6.9 because the sentence already refers to 'the impact on residential and non-residential uses in the vicinity' which would include all other uses. (Area of Search E (land to the north of Shouldham) is not allocated in the Publication version of the NM&WLP.)

One representation objecting to paragraph 6.16 of the supporting text to Policy MW1:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99143]: (Objection)

Paragraph 6.16 – bullet point on lighting – needs to say more – it is about justifying the need for light in the first place, designing light so it is shielded and pointing down, of the right intensity for the job and only on when needed. This paragraph is a good start but does not go far enough and as per the comments on MW1, Policy MW1 needs to be wider than the impact of light on amenity.

Suggested change: Change criterion to say: [Insert: 'Only using lighting if fully justified'], minimising the use of external lighting, use hooded/cowled lighting to direct light downwards, [insert: 'only have the lighting on when it is needed (use timers, on/off switches or motion sensors), make sure the intensity is appropriate for the lighting task'] and contain light within the site.

NCC Planning Officer response: Noted. The measures listed in the paragraph are examples and are not intended to be exhaustive. A minor modification to paragraph 6.16 will be proposed to include additional information on lighting.

One representation objecting to paragraph 6.18 of the supporting text to Policy MW1:

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99291]: (Objection)

Biodiversity and Geological Conservation: Para 6.18 – 6.21 We consider that the above paragraphs do not properly reflect NPPF in that the Plan as drafted does not properly distinguish between the hierarchy of international, national and locally designated sites as required by paragraph 171 of the NPPF. As such the Plan is unsound.

NCC Planning Officer response: We consider that these paragraphs do distinguish between the hierarchy of international, national and locally designated sites as set out in Paragraph 175 of the NPPF (2023). Paragraph 3.19 discussed internationally protected sites, paragraph 6.20 covers nationally designated sites and paragraph 6.21 covers locally designated sites.

Two representations commenting on paragraph 6.19 of the supporting text to Policy MW1:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99119]: (Comment) 6.19 – again by only mentioning district and borough local plans, you don't include the Broads Authority's Local Plan. Say Norfolk LPA Local Plans.

NCC Planning Officer response: A minor modification to paragraph 6.19 will be proposed to change this wording as suggested.

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99337]: (Comment)

In addition to project level HRA, there is a clear need for the Plan to demonstrate that it won't result in adverse effects on any European Sites (SPAs and SACs, whilst Ramsar sites are also afforded the same level of protection). The Plan's HRA should be able to demonstrate without reliance on deferral to the project level stage that it can avoid adverse effects on SACs and SPAs. Deferral to project level HRA leaves uncertainty which could result in an undeliverable plan if there are adverse effects only identified at the project stage.

NCC Planning Officer response: Noted. The HRA of the NM&WLP does demonstrate that it won't result in adverse effects on any European sites. Policy MW1 states that "mineral development and waste management development will be acceptable where the proposals demonstrate that the development would not have an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on the natural, geological and hydrogeological environment (including internationally, nationally or locally designated sites and irreplaceable habitats".

The plan does not allocate sites for waste management and therefore specific proposals for waste management developments can only be assessed at the planning application stage. The HRA of the NM&WLP concludes that there would be no likely significant effect on any SPA/SAC or Ramsar designated site from the mineral extraction sites allocated in the Publication version of the NM&WLP. The potential for likely significant effects from the development would also be assessed at the planning application stage when full details of the working scheme for each allocated site would be available.

One representation commenting on paragraph 6.22 of the supporting text to Policy MW1:

Respondent: **Norfolk County Council - Natural Environment Team** (James Fisher) [Person ID: 21965]

Representation [Rep ID: 99410]: (Comment)

Section 6.22: Regarding the requirement for the Biodiversity Survey and Report to contain a Phase 1 habitat survey, it is important to note that in the near future, the UK Habitat Classification is set to replace the Phase 1 Habitat Survey method as the standard survey method used as part of Preliminary Ecological Appraisals. The UK Habitat Classification is the preferred survey method used to inform the Defra Metric for biodiversity net gain calculations; it is therefore advised that reference is made to both Phase 1 and the UK Habs Classification.

NCC Planning Officer response: Noted. However, a minor modification to paragraph 6.22 will be proposed to remove the current detail and replace it with "A Biodiversity Survey and Assessment will be required for certain planning applications in accordance with the requirements set out in Norfolk County Council's adopted 'National and Local Validation Requirements for Minerals and Waste Planning Applications". This change is to remove the risk of any potential inconsistency between the NM&WLP and the validation requirements in the future. It is also not necessary to duplicate the validation requirements in the NM&WLP.

One representation objecting to paragraph 6.25 of the supporting text to Policy MW1:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99537]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "legal compliance" and of administrative "soundness."

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E. The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood.

Suggested change: 24. Under Visual and Landscape Character Impacts, pages 30-31 of the NMWLP document, May 2022, s. 6.25: suggest after, "locally designated landscapes of importance, ..." add, "including public rural recreational areas"..."

NCC Planning Officer response: The sentence in paragraph 6.25 would be incorrect if it was amended as suggested to say that Landscape Character Assessments consider where public rural recreational areas are situated. Paragraphs 6.27 and 6.28 discuss recreation. (Area of Search E (land to the north of Shouldham) is not allocated in the Publication version of the NM&WLP.)

One representation objecting to paragraph 6.26 of the supporting text to Policy MW1:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99534]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

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2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E.

Suggested change: Under s. 6.26, page 30, In the Safeguarding Local Features bullet, continue "... hedgerows, viewpoints" with "and public rural recreational areas ...)."

NCC Planning Officer response: It is not appropriate to include the suggested change of public rural recreational areas within the bullet point about local landscape features. Paragraphs 6.27 and 6.28 discuss recreation. (Area of Search E (land to the north of Shouldham) is not allocated in the Publication version of the NM&WLP.)

One representation objecting to paragraph 6.27 of the supporting text to Policy MW1:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99536]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

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2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E.

The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood.

26. Under Recreation, page 31 of the NMWLP document, May 2022, s. 8.26 discusses public rights of way (PROW) in the context of the Definitive map. It is acknowledged that many ways are under-registered from the instigation of the Definitive Map as only basic cartography was available in the 1950/60s. The surveying authority has a statutory duty to keep the Definitive map under continuous review, but this is an unfunded mandate and cannot be achieved. There is however the presumptive responsibility to consider the question of whether there might be under-registered or unregistered PROW on the site when the potential for major topographical changes is proposed. Furthermore, a separate diversion order has to be obtained to justify a temporary deviation, although it does not alter the Definitive Map. This section of the NMWLP goes on to state that the restoration must have access at least as good as that existing previously. Under s. 261(1)(b) and (2)(b) of the Town and Country Planning Act, 1990, the highway must be restored "to a condition not substantially less convenient to the public." This is customarily interpreted to mean in length, conditions, and enjoyment. The word "access" in the context of restoration appears misguided.

Suggested change: s. 8.27 could usefully be modified by inserting a sentence after " ... means of accessing the countryside." After the end of the first sentence. I suggest adding, "Areas of investigation must be evaluated for under-registered or unregistered public rights of way according to the statutory duty to keep the Definitive Map under continuous review (s.53(2), Wildlife and Countryside Act, 1981).

NCC Planning Officer response: We do not consider that it is necessary or appropriate to make the suggested change to paragraph 6.27 which is regarding the determination of planning applications. Paragraph 6.27 states that "in all cases, restoration schemes should provide for access which is at least as good as that existing before workings began".

The Government Rights of Way Circular (1/09) provides guidance on proposals for the development of land affecting public rights of way both regarding the need for adequate consideration of the rights of way before the decision on the planning application and the need for the public right of way to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed.

In accordance with the Circular, Norfolk County Council's 'National and Local Validation Requirements for Minerals and Waste Planning Applications' requires a Public Rights of Way Statement to be submitted with all planning applications for development proposals requiring any temporary closures, or any diversions or extinguishments of existing PROWs and the creation of new PROWS, which would include a drawing showing all PROWS crossing or adjoining the site.

Norfolk County Council's PROW officers (part of the Highway Authority) are consulted on planning applications where there would be a potential impact on a PROW and they would be able to ensure that all public rights of way affected by the development are identified, taking into account any applications for the addition of a PROW to the definitive map, any modifications that the highway authority itself are proposing to make, the possible existence of other rights of way shown on the definitive map and any ways not yet recorded on the definitive map, in accordance with paragraph 7.4 of the Circular.

(Area of Search E (land to the north of Shouldham) is not allocated in the Publication version of the NM&WLP.)

One representation objecting to paragraph 6.28 of the supporting text to Policy MW1:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99535]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "legal compliance" and of administrative "soundness."

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E.

Suggested change: 27. Under s. 6.28, after "other outdoor facilities such as ...", suggest adding, "Commons, country parks, and important rural, public recreation areas" and continuing, "are protected in District, ..."

NCC Planning Officer response: It is not necessary to amend paragraph 6.28 as suggested. The sentence is examples of the type of local recreation assets that are protected in Local Planning Authorities' Local Plans and does not need to be an exhaustive list. (Area of Search E (land to the north of Shouldham) is not allocated in the Publication version of the NM&WLP.)

One representation objecting to paragraph 6.30 of the supporting text to Policy MW1:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99225]: (Objection)

Whilst we broadly welcome the requirement for a heritage and archaeology statement to accompany a planning application, for some sites this assessment work may need to be done prior to allocation within the Local Plan as part of the evidence base. We would expect to see this work completed prior to EiP. Further detail on this is given in relation to the comments on specific sites later in this table.

Suggested change: Prepare HIAs for sites MIN96 Spixworth and MIN25 Haddiscoe.

NCC Planning Officer response: Noted. See our responses to HE representation 99247 regarding MIN 96 at Spixworth and HE representation 99257 regarding MIN 25 at Haddiscoe.

One representation commenting on paragraph 6.30 of the supporting text to Policy MW1:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99139]: (Comment)

Para after 6.30 could do with a para number

NCC Planning Officer response: It was intended to be part of 6.30, but we appreciate it has been formatted to look like a new paragraph.

One representation commenting on paragraph 6.40 of the supporting text to Policy MW1:

Respondent: **Lead Local Flood Authority (Norfolk County Council)** (Mark Ogden) [Person ID: 21927]

Representation [Rep ID: 99159]: (Comment)

Flooding, water resources and water quality - 6.40: We would suggest the inclusion of wording to cover the requirement for consenting and/or permitting from the appropriate body for any works that could affect the flow or cross-sectional area of a watercourse. You will need a consent or permit if your work or structure will

affect the flow or cross-sectional area of a watercourse. This applies to both temporary and permanent changes. For further help and advice visit Consent for work on ordinary watercourses - Norfolk County Council. You must have a consent or permit by law before you begin work. If you begin work without this, you could be asked to change or remove the works. A watercourse consent application is managed outside of the planning process and can take up to 8 weeks.

NCC Planning Officer response: Noted. A minor modification to paragraph 6.40 will be proposed to change this wording as suggested.

One representation commenting on paragraph 6.49 of the supporting text to Policy MW1:

Respondent: **Ministry Of Defence (Defence Infrastructure Organisation)** (Chris Waldron) [Person ID: 21971]

Representation [Rep ID: 99469]: (Comment)

The MOD welcome the provisions of Policy MW1: Development Management Criteria and the supporting information set out in paragraphs 6.45 to 6.49 which provide an overview of the issues above and make a potential requirement for mitigation clear.

It is noted that paragraph 6.49 identifies that mitigation should be provided at the planning application stage, in order to provide additional guidance to a prospective developer it would be beneficial to make clear within this section that it may be necessary that mitigation is secured through planning condition and/or planning obligation.

Suggested change: It is noted that paragraph 6.49 identifies that mitigation should be provided at the planning application stage, in order to provide additional guidance to a prospective developer it would be beneficial to make clear within this section that it may be necessary that mitigation is secured through planning condition and/or planning obligation.

NCC Planning Officer response: Noted. A minor modification to paragraph 6.49 will be proposed to change this wording as suggested.

Policy MW2. Transport

One representation received supporting Policy MW2:

Respondent: **National Highways** (Alice Lawman) [Person ID: 21967]

Representation [Rep ID: 99419]: (Support)

National Highways welcomes the opportunity to comment on the Norfolk Minerals and Waste Local Plan 2038. The document provides a vision for the future of the area and sets out a number of key objectives and planning policies that will be used to help support growth across the region. National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to this consultation, our principal interest is safeguarding maintenance and the operation of the A47 and A11 which route through the Plan area. National Highways welcome the decision that each site must be accompanied by a transport Assessment as and when they come forward to understand the impact on the road network (Policy MW2: Transport). We look forward to working with you as the Minerals and Waste Plan emerges. We welcome any opportunities to join in discussions on site location where there is a potential for changes to existing trip generation or where new sites are proposed. I hope that the above comments are useful in the progression of the Norfolk Minerals and Waste Local Plan, and will allow you to move forward, and we will continue to work with yourselves as you move forward.

NCC Planning Officer response: Noted.

Three representations received commenting on Policy MW2:

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99292]: (Comment)

Suggested altered wording for the last bullet point of the policy as follows to make the policy effective. This alteration is made to prevent a dogmatic approach being taken. We have examples of cycle racks needing to be provided when it was clearly impractical for individuals to safely cycle to the site.

Suggested change: [insert: 'Where practical and'] appropriate measures to reduce car travel to the site by workers and visitors and encourage walking, cycling and use of public transport.

NCC Planning Officer response: We consider that the current policy wording of 'appropriate measures' is sufficient to cover this concern.

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99308]: (Comment)

Regarding Policy MW2 whilst the company supports the aspiration for the use of other transport modes, more often than not such avenues are not available, and as such the term "Where appropriate" should replace the word "All". Similarly, in relation to the last bullet point of the policy is it not always practical to access a site by alternative means, and often access by car is the only means, especially for mineral sites which tend to be located in the rural hinterland.

Suggested change: The term "Where appropriate" should replace the word "All". Similarly, in relation to the last bullet point of the policy is it not always practical to access a site by alternative means, and often access by car is the only means, especially for mineral sites which tend to be located in the rural hinterland.

NCC Planning Officer response: We appreciate that alternative transport modes may not be available often for minerals and waste facilities, however, the policy requires all proposals to assess the potential for non-HGV transportation of materials and to take up these transport opportunities where available. Therefore, the policy does not require alternative transport to be used unless it is available which is in line with the comment made and the policy wording does not need amending. In relation to the second point about access to the site by alternative means, we consider that the current policy wording of 'appropriate measures' is sufficient to cover this concern.

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99121]: (Comment)

MW2 - should this refer to how staff travel to and from the site as a place of work? MW2 – should this refer to the potential to use clean fuel/net zero emissions fuel for the HGVs or other work vehicles?

NCC Planning Officer response: The policy would apply to both vehicle movements associated with the transport of minerals and waste to and from a site and staff travel to and from site as a place of work.

We consider that it is not appropriate for a land use policy to refer to the type of fuel to be used in HGVs or other work vehicles associated with a minerals or waste development and it would not be possible to condition or enforce this at the planning application stage.

No representations received about the supporting text to Policy MW2.

Policy MW3. Climate change mitigation and adaption

Four representations received commenting on Policy MW3:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99272]: (Comment)

We support the aims of the policy which aligns with our Strategic Direction Statement and strategic ambitions. Anglian Water recognises that climate change is one of the key challenges for us as a water company, and we have a clear ambition to become a net zero business by 2030 and reduce capital (embedded) carbon by 70% from a 2010 baseline. Our Net Zero Strategy to 2030 includes measures for decarbonising our electricity supply and vehicle fleet, as well as focusing on procuring green electricity. Currently we generate around 30% of our energy from renewable sources including bio-resources, wind, and solar power – our existing renewable energy installations not only contribute towards our renewable energy target, but also help to provide energy security for the operation of essential infrastructure such as our water supply and water recycling networks and assets. Our 2025 target is to increase our energy from renewables to 45% and 100% by 2030. Our strategy is based on decarbonisation principles and hierarchy that first reduces emissions, uses renewables and green energy, and then utilises carbon insets/offsets through natural sequestration measures. We have also maximised opportunities to extract heat from final effluent discharged from Anglian Water water recycling centres which is then transferred to greenhouses in Norfolk (Whitlingham) and Suffolk. Closed-loop heat pumps are used to transfer waste heat from our water recycling centres to the greenhouses to accelerate the growth of the plants. The heat pumps are powered by a new CHP (Combined Heat and Power) plant, the carbon emissions of which are channelled back into the greenhouses to help the plants grow.

The policy accords with the paragraph 20 of the NPPF (National Planning Policy Framework), although it could set out clearer planning measures to address climate change mitigation and adaptation. A complete policy position would set out the current baseline of emissions from the mineral and waste sectors and show the pathway to reducing emissions by 78% by 2035 and to net zero by 2050, as set out in the Climate Change Act. The recent announcement that the government has proposed changing national planning policy to relax restrictions on building new onshore wind farms in England by removing the rigid requirement for onshore wind sites to be designated in a local plan, is an opportunity to highlight that our operational sites such as WRCs could be potential locations for onshore wind, subject to other policy considerations. In addition, we welcome the amendments to criterion d. following our representation to the Preferred Options consultation, regarding managing surface water flows through sustainable drainage systems, and connections to the public sewerage network.

NCC Planning Officer response: Noted. We have been unable to find any published data on the current baseline of emissions from the mineral sector in Norfolk. Data is available on emissions from the mining and quarrying sector in the UK which was 18620 kt CO₂e in 2020 ([UK mining & quarrying GHG emissions | Statista](#)) and includes production of crushed rock, construction materials, industrial minerals, coal, oil and gas. Data is available on the emissions from landfill (76.8 kt CO₂e in 2020) and 'other' waste management (71.6 kt CO₂e in 2020) in Norfolk ([Local Authority GHG Map \(beis.gov.uk\)](#)). However, emissions from transport as a whole are reported separately and therefore the proportion of emissions from transport from the minerals and waste sectors in Norfolk is not available. Some waste management facilities may also be categorised in different sectors, for example, Palm Paper Ltd is not within the waste management category and instead is a 'large industrial installation' (emitting 13 tonnes of CO₂ in 2020). Therefore, it is not possible to set out the current baseline of emissions from the mineral and waste sectors in Norfolk. Policy MW3 will apply to all future planning applications for minerals and waste development, however, it is not possible to reduce the carbon emissions from existing permitted developments through this policy unless new planning applications are submitted for those developments.

Norfolk County Council's 'Local List for the Validation of Minerals and Waste Planning Applications' (2023) requires all planning applications for major development to submit a 'climate change, energy, renewable

energy and sustainability statement' to set out how details of sustainable design and construction have been addressed.

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99293]: (Comment)

Due to the often-isolated nature of mineral workings public transport or cycling are not practical. Therefore, the additional wording is suggested to make the policy effective and preventing unnecessary work for the developer/applicant.

Suggested change: Proposed Changes g) set out how the transportation related to the development will help reduce carbon emissions and incorporate proposals for sustainable travel, including travel plans where [insert: 'practical and'] appropriate; and

NCC Planning Officer response: We consider that the existing term 'appropriate', which means suitable for the purpose or situation, encompasses whether or not it is practical or effective to do so.

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99339]: (Comment)

Full text: We support the policy requirement for proposals to take a proactive approach to mitigating and adapting to climate change. However, the wording of section f appears unclear and open to interpretation. In mitigating climate change and helping wildlife adapt to the changing climate, the retention of existing habitats is far preferable to their loss and replacement. Their value comes in part from their ability to sequester carbon but also from the carbon then stored in the soils, plus their ability to contribute to adaptation through allowing native species to move in response to climate change, helping secure the ongoing contribution of the natural environment to climate mitigation in the future. We therefore recommend the wording is modified to ensure that retention of not only trees but all Priority Habitats, are retained as the preferred option with the other options only where on site retention is not possible. We also query why the policy does not include any specific targets, instead using language such as 'minimise greenhouse gas emissions' and 'help reduce carbon emissions'. Noting the legal targets for net zero by 2050, despite the best intentions of this policy it is unclear how it will actually secure the plan's contribution to national climate change targets, or measure that delivery to demonstrate its effectiveness.

Summary: We support the policy requirement for proposals to take a proactive approach to mitigating and adapting to climate change. However, the wording of section f appears unclear and open to interpretation. We recommend the policy wording better reflects the important role protecting all Priority Habitats, not just woodland, has in mitigating climate change and contributing to climate adaptation. We also recommend the inclusion of specific targets in order to ensure the policy is effective and delivers guaranteed benefits.

Suggested change: We therefore recommend the wording is modified to ensure that retention of not only trees but all Priority Habitats, are retained as the preferred option with the other options only where on site retention is not possible.

NCC Planning Officer response: The supporting text to the policy (paragraph 8.1) refers to the Climate Change Act and legal requirement. Please refer to the response to representation 99272 (Anglian Water) regarding the lack of data available on baseline emissions from the minerals and waste sector in Norfolk and targets.

The approach to development which could affect priority habitats is set out in paragraph 6.21 to policy MW1 'Development Management Criteria' which states "Minerals or waste management development that will impact on County Wildlife Sites, Local Geological Sites, Local Nature Reserves, other priority habitats and protected and priority species will only be permitted where sufficient information is submitted to demonstrate that the proposal will not significantly harm the site or the benefits of the development outweigh any adverse effects and such effects can be satisfactorily mitigated or, as a last resort, compensated for, e.g. through offsetting". Therefore, we do not consider it necessary to repeat this information in the climate change mitigation and adaptation policy.

Norfolk County Council's 'Local List for the Validation of Minerals and Waste Planning Applications' (2023) requires all planning applications for major development to submit biodiversity surveys and assessments for all applications which have the potential to affect protected sites, protected species, priority habitats and species.

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID 99122]: (Comment)

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. MW3 - Where a site will be in place for a number of years, would resilience to the effects of climate change be sensible to consider?

NCC Planning Officer response: Whilst the policy wording does not include the term resilience, the purpose and consequence of adaption is for developments to increase resilience to the effects of climate change.

No representations received about the supporting text to Policy MW3.

Policy MW4. The Brecks Protected Habitats and Species

One representation received commenting on Policy MW4:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99422]: (Comment)

Natural England welcome the inclusion of policy MW4, specific to the Brecks' protected habitats and species. The Brecks is an area rich in biodiversity and is of particular value for a number of ground-nesting bird species including Stone Curlew *Burhinus oedipnemus*. Natural England are currently in the process of revising our guidance on assessing development effects on Breckland SPA stone curlew populations, which could influence the detail of policy MW4. We would advise the removal of the following paragraph, "A buffer zone has also been defined (indicated in orange hatching on Map 2) that extends 1,500 metres around areas that have a functional link to the SPA, because they support Stone Curlew outside, but in close proximity to the SPA boundary, within which new built development would be likely to significantly affect the SPA population." Whilst at the draft stage of development, Natural England would be happy to discuss the proposed new guidance with Norfolk County Council so that it can be used to inform this policy.

Suggested change: Natural England are currently in the process of revising our guidance on assessing development effects on Breckland SPA stone curlew populations, which could influence the detail of policy MW4. We would advise the removal of the following paragraph, "A buffer zone has also been defined (indicated in orange hatching on Map 2) that extends 1,500 metres around areas that have a functional link to the SPA, because they support Stone Curlew outside, but in close proximity to the SPA boundary, within which new built development would be likely to significantly affect the SPA population."

NCC Planning Officer response: Noted. Modifications will be proposed to Map 2, paragraph 9.3 and the policy as advised in the suggested change.

No representations received about the supporting text to Policy MW4.

Policy MW5. Agricultural Soils

Two representations received commenting on Policy MW5:

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99294]: (Comment)

It is felt that the last bullet point is unnecessary and could dilute the policy in terms of the importance of agricultural restoration. With climate change the ability to have land to grow food will become even more important. The proposed changes make the policy effective.

Suggested change: The wording of the policy needs adjusting as follows:

Proposed Changes

Where development is proposed on agricultural land, the County Council has a clear preference for locating new mineral extraction and associated activities, and composting facilities, on land of agricultural grades 3b, 4 and 5. Development proposals affecting Grade 1 agricultural land will only be permitted in exceptional circumstances, where it is demonstrated that there are no alternative locations for the development.

In addition to the above, when minerals development, particularly extraction, is proposed on agricultural land of grades 1, 2 or 3a it will [delete: only] be permitted where:

- Provision is made for high standards of soil management that would enable restoration to a condition at least as good as its previous agricultural quality. To demonstrate this, soil and land quality surveys, and soil handling and replacement strategies (based upon Defra's 'Good Practice Guide for Handling Soils') must be submitted to the County Planning Authority; or

[delete: • The benefit of restoring the land to another after-use can be shown to outweigh the loss of the agricultural use of the land.]

NCC Planning Officer response: The Policy does not refer to grade 5 land because there are only 110 hectares of grade 5 land which are located either within or adjacent to the Breckland SPA.

We do not consider that it is appropriate to delete the last bullet point in the policy because there are potentially other afteruses (as detailed in Policy MP7 on progressive working, restoration and afteruse) which could outweigh the loss of the agricultural land, for example by providing biodiversity net gains.

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99128]: (Comment)

Could the situation arise whereby peat is excavated, not as a produce to sell, but to access a minerals site or to develop a waste site? Peat has many qualities. We have a policy that seeks the reduction of peat excavated as part of a scheme and its appropriate assessment/'disposal' to address these qualities and prevent it from becoming a carbon source. Should the Minerals and Waste plan have something similar? (See DM10, page 49 Local-Plan-for-the-Broads.pdf (broadsauthority.gov.uk)).

NCC Planning Officer response: This policy uses the Agricultural Land Grades as mapped by Natural England and referred to in the NPPF and PPG. Peat is not a separate agricultural land grade in itself and therefore is not specifically referred to in the Policy. If a planning application was submitted for a minerals or waste development located in the Broads Authority area, then the relevant policies in the Local Plan for the Broads would be applied when the application is determined, including DM10 where applicable.

Policy WP3 of the NM&WLP directs waste management facilities to be located on land allocated, permitted or in existing industrial use (B2 and B8) or on previously developed land where the likelihood of peat being excavated as part of a scheme would be very low. In the west of Norfolk where there are mapped areas of peat (to the west of King's Lynn and south of Downham Market), there are no safeguarded mineral resources. Therefore, it is very unlikely that peat would be excavated as part of a mineral extraction operation for sand and gravel, Carstone or silica sand because the locations of peat do not overlap with the location of these mineral resources.

No representations received about the supporting text to Policy MW5.

Policy WP1. Waste management capacity to be provided

No representations received about Policy WP1 or the supporting text to Policy WP1.

Policy WP2. Spatial strategy for waste management facilities

One representation received supporting Policy WP2:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99273]: (Support)

Anglian Water is supportive of the policy and welcomes the amendments following our previous representation, to ensure that it is consistent with the National Planning Policy Framework and planning practice guidance in terms of the specific locational needs for water recycling centres.

NCC Planning Officer response: Support noted.

Three representations received objecting to Policy WP2:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99117]: (Objection)

This policy says 'New or enhanced waste management facilities should be located within five miles of one of Norfolk's urban areas or three miles of one of the main towns and be accessible via appropriate transport infrastructure, subject to the proposed development not being located within: the Broads Authority Executive Area or the Norfolk Coast Area of Outstanding Natural Beauty, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest'. Elsewhere, throughout the document, the stance is no minerals and waste sites within the Broads, yet this policy says they could be. A look at the maps suggests that there are no settlements that need a facility within the AONB or Executive Area to achieve the 3 miles/5 miles criteria; as such, why is this criterion needed?

Suggested change: If this part of the policy is to be kept in, we request there is reference to the need for close working with the Broads Authority. We also request that any proposals would need to demonstrate no alternative sites are available. You could amend bullet point 1 as follows: the Broads Authority Executive Area or the Norfolk Coast Area of Outstanding Natural Beauty, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Any proposals in these areas would need to also demonstrate that no alternative sites outside of these areas are available. Scheme promoters will be required to work closely with the Broads Authority and AONB.

NCC Planning Officer response: The policy wording is in accordance with paragraph 177 of the NPPF. The policy criterion is required because there are some locations that are within 5 miles of an urban area or 3 miles of a main town that are also within the AONB or the Broads Authority area. There are no policies within the NM&WLP that state no minerals or waste sites within the Broads. The Broads Authority would be consulted on any minerals or waste planning applications that are submitted within the BA Executive area. We do not consider that it is appropriate to include the text about working closely with the BA and AONB within the spatial policy as this is not a spatial element. We do not consider that it is necessary to state that proposals would also need to demonstrate that no alternative sites outside of these areas are available as the policy already states that it would not be appropriate other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest, in accordance with the NPPF.

Respondent: **Pauline Davies** [Person ID: 21940]

Representation [Rep ID: 99205]: (Objection)

Given the existential threat to properties in West Norfolk, it surely is appropriate to locate future waste management locations beyond flooding-prone areas, which may be beyond the 3–5-mile guideline.

NCC Planning Officer response: The policy states that facilities should be located within five miles of one of Norfolk's urban areas or three miles of one of the main towns and the Sustainability Appraisal recognises

that there is land within the 3-mile and 5-mile areas that is in higher-risk flood zones and land in lower- risk flood zones. Therefore, there are locations within the 3-mile and 5-mile areas where it would be possible for sites to be developed which would not have an unacceptable impact on flood risk. Whilst Policy WP2 does not explicitly exclude development from the higher-risk flood zones, this is covered by policy MW1 which states that proposals must demonstrate that the development would not have an unacceptable impact on flood risk from all sources. This would be demonstrated through a site-specific flood risk assessment at the planning application stage. Paragraph 162 of the NPPF sets out the sequential test to steer new development to areas with the lowest risk of flooding from any source. Therefore, proposed development would seek sites with the lowest flood risk within the 3-mile and 5-mile areas and, in accordance with the NPPF, development should not be permitted if there are reasonably available appropriate sites in areas with lower risk of flooding.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99226]: (Objection)

We have raised concerns about the wording in relation to harm to the historic environment in policy WP2. In order to make this policy consistent with the NPPF and effective in securing sustainable development, we suggest that the policy wording is amended. We welcome the addition of designated heritage assets as a bullet point in this policy. Conservation Areas should also be added to this list as they are designated heritage assets. Substantial harm is a very high bar. Less than substantial harm is still harm and harm should be avoided in the first instance. We suggest that you reword this bullet point to delete the word substantial and add reference to significance and setting.

Suggested change: Amend text to read; a designated heritage asset, including listed buildings, registered parks and gardens, [insert: 'conservation areas'] and scheduled monuments, or their settings if the proposed development would cause [delete: substantial] harm to [delete: or] the [delete: loss] [insert: 'significance'] of the heritage asset [insert: '(including any contribution to significance by setting)'].

NCC Planning Officer response: Noted. We will propose a modification to make all the changes requested except the deletion of the word 'substantial'. We recognise that great weight should be given to the heritage asset's conservation irrespective of the level of potential harm to its significance. Paragraph 200 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". Therefore, it would not be appropriate for the policy to state that a facility should not be located within the setting of a designated heritage asset if it would cause harm to the significance of the heritage asset as less than substantial harm should be weighed against the public benefits of the proposal.

The proposed modification would read as follows:

“• a designated heritage asset, including listed buildings, registered parks and gardens, conservation areas and scheduled monuments, or their settings if the proposed development would cause substantial harm to ~~or the loss~~ significance of the heritage asset (including any contribution to significance by setting).”

We also propose to add the following text to paragraph W2.5 “The NPPF (2023) sets out how to consider impacts of proposed development on the significance of a heritage asset. In accordance with NPPF (2023) paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”

One representation received commenting on Policy WP2:

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99448]: (Comment) Nutrient Neutrality

In March 2022, Norfolk LPAs were alerted to the issue of the “unfavourable condition” of the River Wensum and Broads SAC leading to a requirement to mitigate nutrient pollution from development, farming and to

upgrade wastewater treatment works. Nitrogen and Phosphorus affects both water and air quality and Breckland District Council considers that the location of waste facilities particularly from agricultural waste and composting and its impact on the River Wensum and Broads SAC should be carefully considered.

Consider the impact of increase Nitrogen and Phosphorus Pollution from organic waste (development, agriculture) on nitrogen and phosphorus sensitive zones (i.e. where the river catchment is deemed to be in “unfavourable condition” with regards the spatial strategy for waste management facilities. The location of agricultural waste treatment, windrow composting and community composting to nutrient sensitive river catchment areas.

NCC Planning Officer response: Noted. The NM&WLP does not allocate any sites for new waste management facilities as data on existing waste management capacity shows that sufficient capacity already exists in Norfolk to accommodate the forecast growth in waste arisings over the Plan period to 2038. This is set out in Policy WP1. Policy WP2 ‘Spatial strategy for waste management facilities’ is written to apply to all types of waste management facilities. The criteria-based policies for specific waste management facilities in the NM&WLP would be used to determine any planning applications for waste management facilities that come forward.

All planning applications would also need to comply with the development management criteria in Policy MW1. At the planning application stage Policy MW1 requires proposals to demonstrate that the development would not have an unacceptable impact on the natural, geological and hydrogeological environment (including internationally, nationally or locally designated sites and irreplaceable habitats). This would include consideration of nutrient enrichment on designated sites and irreplaceable habitats if relevant to the location of the proposed facility. A Habitats Regulations Assessment (Task 1 Test of Likely Significant Effects) has been carried out on the NM&WLP. Any planning application submitted would also need to be assessed under the Conservation of the Habitats and Species Regulations 2017 (as amended).

It should also be noted that composting and anaerobic digestion facilities would require an Environmental Permit from the Environment Agency and paragraph 188 of the NPPF (2023) states: “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.” For example, the Environment Agency’s standard rules permits for composting facilities state that the acceptance, storage, physical treatment and composting of waste shall take place only on an impermeable surface with a sealed drainage system. It also states that discharges to groundwater or surface watercourses shall consist of clean water only.

Two representations received commenting on the map accompanying Policy WP2:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99140]: (Comment)

Map 4 – may not matter, but the urban areas are blue, and the main towns are blue, and the shades are not very different, so it is not easy to tell which blue is which.

NCC Planning Officer response: Noted. As each of the urban areas and main towns are labelled on Map 4 we do not consider that this is an issue.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99449]: (Comment)

Many of the urban areas highlighted are in nutrient sensitive river catchment areas.

NCC Planning Officer response: Please see the response to representation 99448 above. The urban areas and main towns listed in Policy WP2 are based on the settlement hierarchies contained within the Local Plans produced by Norfolk Local Planning Authorities.

Policy WP3. Land suitable for waste management facilities

Two representations received objecting to Policy WP3:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99274]: (Objection)

The Local Plan is unsound because Policy WP3 is not positively prepared in terms of achieving sustainable development or justified given reasonable alternatives. We would welcome modifications to the policy and supporting text.

Reference is made to waste management facilities on water recycling centres being limited to composting and anaerobic digestion. In our representation to the Preferred Options Consultation, we indicated that Anglian Water as sewerage undertaker is concerned that this is not justified in that there may be other waste management uses which would be suitable at water recycling centres, dependent upon both scale and location. The policy as currently drafted stifles innovations coming forward in the field of bio-resources. Therefore, the policy should be flexible to ensure that future sustainable options for bio-resources are considered - particularly in the context of addressing climate change mitigation and nutrient neutrality.

We consider that the development management criteria in Policy MW1 should be appropriate to ensure that suitable waste management facilities are considered at water recycling centres, and the specific types of facilities do not need to be specified.

We would therefore welcome modifications to Policy WP3 to allow for other waste management uses at water recycling centres associated with ambitions for the long-term sustainable management and operation of our facilities. Amending the policy would support the delivery of lower carbon solutions and so assist in the pathway to net zero for the sector in Norfolk. g) water recycling centres [delete: (composting and anaerobic digestion only)];

Suggested change: g) water recycling centres [delete: (composting and anaerobic digestion only)];

NCC Planning Officer response: Noted. Water Recycling Centres (WRCs) have historically been located within the open countryside close to watercourses. Generally, waste management facilities (other than landfill or WRCs) would not be suitable in the open countryside. However, we note that the current inclusion of composting and AD facilities only at water recycling centres is potentially restrictive with regards to future innovative technologies in the field of bio-resources at WRCs. Therefore, we will propose a modification to delete '(composting and anaerobic digestion only)' and replace with '(to principally manage wastes arising from the WRC process only)' to provide greater flexibility regarding the potential waste management treatment methods that could be used.

Respondent: **Middleton Aggregates Ltd** [Person ID: 1861] Agent: **Stephen M Daw Limited** [Person ID: 143]

Representation [Rep ID: 99080]: (Objection)

The use of the term, 'at existing sand and gravel workings' has in the past been overinterpreted to mean within the active working area rather than 'at' a quarry. Siting of inert recycling facilities in such a way is unnecessarily restrictive and can prove problematical as the working area is by definition busy, constantly moving and can lead to contamination (of mineral) issues.

Suggested change: Clarification is required, so that the policy cannot be interpreted in an overly restrictive manner, thus allowing recycling facilities to be positioned elsewhere at a quarry and for example on previously worked land or on land adjoining a quarry, provided all other criteria are met. Similar clarification is required to identical wording used in Policy WP4.

NCC Planning Officer response: Noted. However, minerals can only be worked where they occur, which is normally within the open countryside; this is not the case with waste management operations. Ancillary development, such as recycling of inert CD&E waste would not normally be allowed in the open countryside and are only considered appropriate in order to facilitate the timely, phased restoration of the mineral working. Therefore, it would not be appropriate for waste recycling operations to take place on land adjoining a mineral working that is greenfield land and is not included within the existing permission for the mineral working. It would also not be appropriate for recycling operations to take place on previously

worked land where that would delay the approved restoration for that land. Therefore, we do not consider that further clarification is required to Policy WP3 or WP4.

Three representations received commenting on Policy WP3:

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99450]: (Comment)

Consideration of the impact of open air composting on air and water quality for habitat sites.

NCC Planning Officer response: Noted. Policy WP1 states that sufficient waste management capacity currently exists in Norfolk to meet the growth forecast. Therefore, the NM&WLP does not allocate any composting sites. The criteria-based policy for planning applications for waste management facilities also requires compliance with the development management criteria in Policy MW1. At the planning application stage Policy MW1 requires proposals to demonstrate that the development would not have an unacceptable impact on the natural, geological and hydrogeological environment (including internationally, nationally or locally designated sites and irreplaceable habitats). This would include consideration of emissions to air and water on sensitive habitat sites where relevant to the application site. A Habitats Regulations Assessment (Task 1 Test of Likely Significant Effects) has been carried out on the NM&WLP. Any planning application submitted for composting would also need to be assessed under the Conservation of the Habitats and Species Regulations 2017 (as amended).

It should also be noted that a composting facility would require an Environmental Permit from the Environment Agency and paragraph 188 of the NPPF (2023) states: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively." The Environment Agency's standard rules permits for composting facilities state that the acceptance, storage, physical treatment and composting of waste shall take place only on an impermeable surface with a sealed drainage system.

Respondent: **Broadland District Council** and **South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99494 and 99517]: (Comment)

Note amendment to include 'redundant' so that criteria d) reads: 'land within or adjacent to redundant agricultural and forestry buildings'. Whilst this differs from the Councils suggestion, this is considered acceptable.

NCC Planning Officer response: Noted.

No representations received about the supporting text to Policy WP3.

Policy WP4. Recycling or transfer of inert construction, demolition and excavation waste

Two representations received commenting on Policy WP4:

Respondent: **Broadland District Council and South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99495 and 99524]: (Comment)

Note amendment to replace the word 'may' so that it reads 'will only be acceptable'. Whilst this differs from the Councils suggestion, this is considered acceptable.

NCC Planning Officer response: Noted.

One representation received commenting on paragraph W4.1 of the supporting text to Policy WP4:

Respondent: **Essex County Council** (Philip Dash) [Person ID: 16208]

Representation [Rep ID: 99166]: (Comment)

The following text 'Whilst the resultant material is typically lower grade, recycled inert material can still often act as a substitute for freshly excavated material' to qualify that recycled aggregate cannot always be used as a direct substitute for primary aggregate is welcomed. In the same vein, it could be noted in a relevant part of the Plan that marine-won aggregate cannot always be used as a direct substitute for land-won aggregate.

NCC Planning Officer response: Noted. However, we do not consider that this is necessary due to the minimal quantity of marine sourced aggregates that are consumed in Norfolk (as set out in paragraph MP1.9 of the NM&WLP) and therefore no adjustments have been made to the forecast need for land won aggregate mineral due to marine sourced aggregates.

Policy WP5. Waste transfer stations, MRF, WEEE & ELV facilities

Two representations received commenting on Policy WP5:

Respondent: **Broadland District Council and South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99496 and 99525]: (Comment)

Note amendment to replace the word 'may' so that it reads 'will only be acceptable'. Whilst this differs from the Councils suggestion, this is considered acceptable.

NCC Planning Officer response: Noted.

No representations received about the supporting text to Policy WP5.

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

No representations received about Policy WP6 or the supporting text to Policy WP6.

Policy WP7. Household waste recycling centres

Two representations received commenting on policy WP7:

Respondent: **Broadland District Council** and **South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99497 and 99521]: (Comment)

WP7 – reiterate previous comments. The Policy could be more effective as ‘will not be acceptable outside of land identified in’ and ‘Concerned that this may not be legally sound, in that it goes beyond the remit of the Minerals and Waste Local Plan by seeking developer contributions. It would also be difficult to ‘retro-fit’ new Household Waste Recycling Centres into identified growth locations, if it was not a requirement when those locations were identified. Consideration could be given to allocating sites in the Minerals and Waste Local Plan which have good access to the growth locations.’

Suggested change: The Policy could be more effective as ‘will not be acceptable outside of land identified in’. Consideration could be given to allocating sites in the Minerals and Waste Local Plan which have good access to the growth locations.

NCC Planning Officer response: In the Publication version of the NM&WLP, Policy WP7 does not seek developer contributions in either the form of financial contributions or land within major growth locations and therefore no change is required in this regard. The annual throughput of nearly all Household Waste Recycling Centres is below 10,000 tonnes per annum and therefore it is not considered necessary to allocate land for potential new sites in the NM&WLP. Norfolk County Council, as the Waste Disposal Authority opened two new recycling centres in Norwich in 2021 to replace two existing sites. A planning application for a new recycling centre at Sheringham was submitted in February 2023 and an application for a new recycling centre at Wymondham is expected to be submitted during 2023.

The suggested change to the policy wording is not considered appropriate because flexibility is needed in the policy to enable NCC to meet its statutory duty (EPA 1990, section 51) to provide Household Waste Recycling Centres in locations which are reasonably accessible to persons resident in Norfolk.

No representations received about the supporting text to Policy WP7.

Policy WP8. Composting

One representation received commenting on Policy WP8:

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99453]: (Comment)

Consideration of air pollution on sensitive habitat sites (Natural England's Share Nitrogen Air Pollution Schemes in Breckland)

NCC Planning Officer response: Policy WP1 states that sufficient waste management capacity currently exists in Norfolk to meet the growth forecast. Therefore, the NM&WLP does not allocate any composting sites. The criteria-based policy for planning applications for composting facilities also requires compliance with the development management criteria in Policy MW1. At the planning application stage Policy MW1 requires proposals to demonstrate that the development would not have an unacceptable impact on the natural, geological and hydrogeological environment (including internationally, nationally or locally designated sites and irreplaceable habitats). This would include consideration of deposition from air pollution on sensitive habitat sites where relevant to the application site. A Habitats Regulations Assessment (Task 1 Test of Likely Significant Effects) has been carried out on the NM&WLP. Any planning application submitted for composting would also need to be assessed under the Conservation of the Habitats and Species Regulations 2017 (as amended).

It should also be noted that a composting facility would require an Environmental Permit from the Environment Agency and paragraph 188 of the NPPF (2023) states: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively." The Environment Agency's standard rules permits for composting facilities state that the acceptance, storage, physical treatment and composting of waste shall take place only on an impermeable surface with a sealed drainage system. It also states that discharges to groundwater or surface watercourses shall consist of clean water only.

No representations received about the supporting text to Policy WP8.

Policy WP9. Anaerobic digestion

One representation received supporting Policy WP9:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99275]: (Support)

We support the policy, which acknowledges that anaerobic digestion facilities will be acceptable where they are integrated with water recycling centres.

NCC Planning Officer response: Support noted.

Two representations received commenting on Policy WP9:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99123]: (Comment)

Aren't anaerobic digesters an in-scope type of development in terms of impact on nutrient enrichment and therefore nutrient neutrality?

NCC Planning Officer response: Policy WP1 states that sufficient waste management capacity currently exists in Norfolk to meet the growth forecast. Therefore, the NM&WLP does not allocate any anaerobic digestion sites. The criteria-based policy for planning applications for anaerobic digestion facilities also requires compliance with the development management criteria in Policy MW1. At the planning application stage Policy MW1 requires proposals to demonstrate that the development would not have an unacceptable impact on the natural, geological and hydrogeological environment (including internationally, nationally or locally designated sites and irreplaceable habitats). This would include consideration of nutrient enrichment on designated sites and irreplaceable habitats if relevant to the location of the proposed facility. A Habitats Regulations Assessment (Task 1 Test of Likely Significant Effects) has been carried out on the NM&WLP. Any planning application submitted for anaerobic digestion would also need to be assessed under the Conservation of the Habitats and Species Regulations 2017 (as amended).

It should also be noted that an anaerobic digestion facility would require an Environmental Permit from the Environment Agency and paragraph 188 of the NPPF (2023) states: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."

Respondent: **Breckland District Council** (Sarah Suggitt) [person ID: 21969]

Representation [Rep ID: 99454]: (Comment)

Consideration of nitrogen and phosphorus pollution on the river catchment areas of the River Wensum and Broads SAC.

NCC Planning Officer response: Policy WP1 states that sufficient waste management capacity currently exists in Norfolk to meet the growth forecast. Therefore, the NM&WLP does not allocate any anaerobic digestion sites. The criteria-based policy for planning applications for anaerobic digestion facilities also requires compliance with the development management criteria in Policy MW1. At the planning application stage Policy MW1 requires proposals to demonstrate that the development would not have an unacceptable impact on the natural, geological and hydrogeological environment (including internationally, nationally or locally designated sites and irreplaceable habitats). This would include consideration of nitrogen and phosphorous pollution on the river catchment areas of the River Wensum and Broads SAC if relevant to the location of the proposed facility. A Habitats Regulations Assessment (Task 1 Test of Likely Significant Effects) has been carried out on the NM&WLP. Any planning application submitted for anaerobic digestion would also need to be assessed under the Conservation of the Habitats and Species Regulations 2017 (as amended).

It should also be noted that an anaerobic digestion facility would require an Environmental Permit from the Environment Agency and paragraph 188 of the NPPF (2023) states: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control

of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

One representation received commenting on paragraph W9.1 of the supporting text to Policy WP9.

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99526]: (Comment)

Suggested change: It would be helpful if the supporting text explained that anaerobic digestion (AD) produces biogas (a mixture of around 60% methane and 40% carbon dioxide) and digestate, and that biogas can be burned directly in a gas boiler to produce heat or burnt in a combined heat and power (CHP) unit to produce heat and electricity.

Alternatively, the biogas can be cleaned to remove the carbon dioxide and other substances, to produce biomethane, which can be injected into the national gas grid to be used in the same way as natural gas or used as a vehicle fuel.

This would demonstrate the options available from AD and replace the text in paragraph W9.1 that states methane gas drives a diesel generator.

NCC Planning Officer response: A minor modification will be proposed to amend the supporting text in paragraph W9.1 as suggested.

Policy WP10. Residual waste treatment facilities

No representations received about Policy WP10 or the supporting text to Policy WP10.

Policy WP11. Disposal of inert waste by landfill

Two representations received commenting on Policy WP11:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99227]: (Comment)

We welcome the changes made to criterion d to reference the historic environment. We also welcome the text at paras W11.3 and W11.4 regarding restoration and Historic Landscape Characterisation.

NCC Planning Officer response: Noted.

Respondent: **Suffolk County Council** (Ross Walker) [Person ID: 21966]

Representation [Rep ID: 99508]: (Comment)

Point c “improvements to biodiversity” could be changed to “deliver measurable improvements to Biodiversity net gain” ... this will bring it in line with the language used in the environment act around net gain. - This would make the policy more effective, better mirroring of working in the acts / legislation. - Otherwise quite strong landfill policy

Suggested change: Point c “improvements to biodiversity” could be changed to “deliver measurable improvements to Biodiversity net gain” ... this will bring it in line with the language used in the environment act around net gain.

NCC Planning Officer response: The policy requirements include demonstrating improvements to biodiversity on restoration when compared to the baseline prior to landfill. It is considered that this would result in the same outcome as the text in the suggested change. Policy WP11 also requires proposals to comply with the Development Management Criteria Policy MW1 which includes the provision of biodiversity net gains. Through the Environment Act 2021, developments under the Town and Country Planning Act 1990 (as amended) are required to deliver at least 10% biodiversity net gain once the legislation comes into force and it is not considered necessary to repeat this legal requirement in this policy.

No representations received about the supporting text to Policy WP11.

Policy WP12. Non-hazardous and hazardous waste landfill

Two representations received commenting on Policy WP12:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99228]: (Comment)

We welcome the changes made to criterion e to reference the historic environment. We also welcome text at paras W11.3 and W11.4 regarding restoration and Historic Landscape Characterisation.

NCC Planning Officer response: Noted.

Respondent: **Suffolk County Council** (Ross Walker) [Person ID: 21966]

Representation [Rep ID: 99444]: (Comment)

Suggested change: Point e “improvements to biodiversity” could be changed to “deliver measurable improvements to biodiversity net gain”... this will bring it in line with the language used in the Environment Act around net gain.

NCC Planning Officer response: The policy requirements include demonstrating improvements to biodiversity on restoration when compared to the baseline prior to landfill. It is considered that this would result in the same outcome as the text in the suggested change. Policy WP12 also requires proposals to comply with the Development Management Criteria Policy MW1 which includes the provision of biodiversity net gains. Through the Environment Act 2021, developments under the Town and Country Planning Act 1990 (as amended) are required to deliver at least 10% biodiversity net gain once the legislation comes into force and it is not considered necessary to repeat this legal requirement in this policy.

No representations received about the supporting text to Policy WP12.

Policy WP13. Landfill mining and reclamation

One representation received commenting on Policy WP13:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99124]: (Comment)

Some of the wording in 13.5 is not included in WP13. In particular, there is no mention in the policy of the need to mitigate the potential rapid release of leachate or emissions and odours. This is mentioned in 13.5 but not in the policy. This may be covered to some extent in MW1, but as it is raised specifically in 13.5, does it need to be a consideration for schemes captured by WP13?

NCC Planning Officer response: The Policy refers to the requirement for proposals to comply with development management criteria set out in Policy MW1. We consider that this covers the assessment of potential impacts such as the release of leachate, landfill gas emissions and odours. Policy MW1 states that waste management development will be acceptable where the proposal demonstrate that the development would not have an unacceptable impact on local amenity and health (including odour and air quality), the quality and quantity of surface waterbodies and groundwater, the natural, geological and hydrogeological environment.

It should also be noted that a landfill mining operation would require an Environmental Permit from the Environment Agency and paragraph 188 of the NPPF (2023) states: “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

No representations received about the supporting text to Policy WP13.

Policy WP14. Water recycling centres

One representation received objecting to Policy WP14:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99277]: (Objection)

The Local Plan is unsound because Policy WP14 is not positively prepared in terms of achieving sustainable development or justified given reasonable alternatives. We support the amendments to this policy that reflect our previous representations to the Minerals and Waste Local Plan. However, we note that policy MW3 Climate Change Mitigation and Adaptation provides a positive policy framework for renewable energy to support our routemap to net zero ambition - this includes renewable energy installations contributing to our energy requirements at our water recycling centres (WRCs). It would be helpful if the policy and supporting text acknowledges that improvements to existing sites and supporting infrastructure relating to climate change mitigation and adaptation and resilience of essential infrastructure will be addressed through Policy MW3.

Suggested change: PROPOSED POLICY MODIFICATION: New or extended Water Recycling Centres, or improvements to existing sites and supporting infrastructure, will only be acceptable where such proposals aim to:

- a. treat a greater quantity of wastewater; and/or
- b. improve the quality of discharged water; and/or
- c. reduce the environmental impact of operation; [insert: "and/or"]

[insert: 'd. incorporate climate change adaption and mitigation measures (as detailed in Policy MW3)'].

Proposals must also comply with the development management criteria set out in Policy MW1.

NCC Planning Officer response: Noted. We will propose a modification to the policy wording to make the suggested change.

One representation received commenting on Policy WP14:

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99455]: (Comment)

Suggested change: Suggest in light of the issues around nitrogen and phosphorus pollution to remove the word "or" and replace with the word "and". "WRCs will only be acceptable if they treat greater quantity of water and improve quality of discharged water."

NCC Planning Officer response: The suggested change is not appropriate because the policy needs to enable permission to be granted for an application for development at a water recycling centre which is only to improve the quality of the discharged water without also treating a greater quantity of waste water.

An Environmental Permit issued by the Environment Agency would control the discharge to water from a Water Recycling Centre and paragraph 188 of the NPPF (2023) states: "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."

One representation received commenting on paragraph W14.2 of the supporting text to Policy WP14:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99276]: (Comment)

SUPPORTING TEXT MODIFICATION: We would welcome modifications to this paragraph of the supporting text as it implies that there have been recent changes to the General Permitted Development Order (2015) regarding the permitted development rights for water and sewerage in Schedule 2.

Suggested change: It would be correct to state: "W14.2 With increasing populations and water quality standards there is continuing investment being made into wastewater treatment. [delete: Although changes to permitted development rights have sought to remove the need for planning applications for very small

developments] [insert: 'Permitted development rights exist for certain types of water and sewerage development which are set out in the General Permitted Development Rights Order 2015 (as amended).] [Insert: 'However'], there are still applications that will need to be determined [insert: 'beyond the thresholds for permitted development'].

NCC Planning Officer response: Noted. A minor modification will be proposed to amend the supporting text as suggested.

Policy WP15. Whitlingham Water Recycling Centre

One representation objecting to Policy WP15:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99281]: (Objection) The Local Plan is unsound because Policy WP15 is not positively prepared in terms of achieving sustainable development or justified given reasonable alternatives.

We support the amendments to the policy because of our previous consultation submission to the Preferred Options consultation in 2019. However, there remains an outstanding area of concern that we wish to raise, as a result of our comments on the supporting text above, regarding our current and emerging plans and strategies that provide further detail regarding future investments at Whitlingham WRC.

PROPOSED POLICY MODIFICATION: Our draft DWMP consultation was undertaken with a wide range of stakeholders including local authorities and The Environment Agency. The policy does not need to reference the requirement for a longer-term masterplan as this aspect is fulfilled by the DWMP, which Councils are consulted on, and future AMP (Asset Management Plan) periods for investments in capital programmes. Therefore it is proposed that Policy WP15 of the local plan is amended.

We acknowledge that The Broads SAC (Special Area of Conservation) and the Crown Point Registered Park and Garden are designated wildlife and heritage sites in proximity to Whitlingham WRC and these are identified in the newly introduced criteria d. and e. of the policy. We would question why these criteria are specifically required when natural and historic environment criteria are already wholly addressed through Policy MW1, together with other natural and historic environment designations and assets. We consider that Policy MW1 provides a comprehensive approach to the relevant development management criteria that should underpin development proposals that require planning permission at our WRCs, including Whitlingham WRC.

Suggested change: Our draft DWMP consultation was undertaken with a wide range of stakeholders including local authorities and The Environment Agency. The policy does not need to reference the requirement for a longer-term masterplan as this aspect is fulfilled by the DWMP, which Councils are consulted on, and future AMP (Asset Management Plan) periods for investments in capital programmes. Therefore, it is proposed that Policy WP15 of the local plan is amended as follows:

"Any proposals for the improvement of the WRC must [~~be accompanied by and~~] be consistent with a longer-term [~~masterplan~~] [~~insert: 'strategy'~~] for the WRC [~~insert: 'which forms part of Anglian Water's Drainage and Wastewater Management Plan, or is required to:'~~] [~~delete: produced in collaboration with the constituent authorities of the Greater Norwich Growth Board, the Broads Authority and the Environment Agency~~].

[~~insert: 'a) comply with new legislation; and/or~~

b) accommodate growth within, or connecting to, the Whitlingham water recycling catchment.']

We would question why criteria d. and e. are specifically required when natural and historic environment criteria are already wholly addressed through Policy MW1, together with other natural and historic environment designations and assets.

NCC Planning Officer response: The DWMP is a high-level document and does not contain any development specific details of future proposals for improvements to Whitlingham WRC. A masterplan is a document in which a greater level of site specific and proposal specific detail would be included. Therefore, given both the importance of Whitlingham WRC and its location proximate to the Broads SAC, it is considered that retaining the requirement for a masterplan is appropriate and justified.

Policy requirement d is justified because Policy WP15 is site specific. The location of the Crown Point Registered Park and Garden in relation to the WRC; with the potential for development of the WRC to affect it and for the special regard to be had to the conservation of such assets, should be specifically recognised within the policy.

The site-specific nature of WP15 as it relates to Whitlingham WRC also justifies the inclusion of policy requirement e so as to meet HRA plan requirements by making specific reference to the Broads SAC; for clarification we propose to add the word **integrity** to point e to read ‘...integrity of the Broads Special Area of Conservation...’.

We will propose a modification to Policy WP14 to include the suggested requirement “comply with new legislation” as this would be applicable to development at all Water Recycling Centres, not just Whitlingham WRC.

AW suggested change point b is covered in the first paragraph of the policy and therefore does not need to be repeated.

Two representations received commenting on Policy WP15:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99229]: (Comment) We welcome the reference to Crown Point RPG in the policy.

NCC Planning Officer response: Noted.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99456]: (Comment) Consider whether the policy should refer to water quality improvements required at this site?

NCC Planning Officer response: Whilst NCC is responsible for planning applications at the site, the quality of the treated water from the site is controlled by an Environmental Permit issued by the Environment Agency and paragraph 188 of the NPPF (2023) states: “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

However, we will be proposing a modification to Policy WP15 to include development proposals which are required to comply with new legislation.

Two representations objecting to paragraphs W15.2 and W15.3 of the supporting text to Policy WP15:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99278 and 99285]: (Objection)

Paragraphs W15.2 and 15.3: We are disappointed that these paragraphs infer that there is no information relating to planned improvements at Whitlingham WRC, even though information was provided in our submission to the Preferred Options consultation. Through our PR19 Business Plan we identified investment to extend our plant at Whitlingham to cater for growth and increased capacity to cater for the additional sludges from our water recycling centres as a result of higher environmental quality regulations. This will provide sufficient capacity to deal with the impacts of regional growth and for increased sludge loads received from other WRCs affected by the WINEP (Water Industry National Environment Programme) phosphate reduction programmes as they are delivered through AMP7. This investment strategy is based on a longer-term plan and the knowledge that further staged investment will be needed in AMP8 and AMP9 to keep ahead of the growth projections across the Anglian region and to respond to changes in environmental legislation.

Our draft Drainage and Wastewater Management Plan (DWMP) was published for consultation earlier in the summer and we are now reviewing the responses with a view to publish the final version in 2023. The DWMP will support the development of our Long- Term Delivery Strategy (LTDS) and our business plan for the 2024 Price Review (PR24).

The draft DWMP identifies Whitlingham WRC as a catchment where there is already partnership working. The medium-term strategy for the Whitlingham water recycling catchment is attenuation with a longer-term strategy to 2050 of surface water removal, a new permit, new process streams, and infiltration removal.

We strongly suggest that the text is revised to ensure that it accurately signposts the relevant plans and strategies prepared by Anglian Water that inform our investments for Whitlingham WRC, so that the Local Plan is referencing the correct information and decision makers can access the this information through the lifespan of the plan, as our own plans are updated every 5 years to take account of changes to growth projections, regulatory and legislative changes, and environmental implications. This ensures that we can plan effectively and invest where it is needed.

Suggested change: We strongly suggest that the text is revised to ensure that it accurately signposts the relevant plans and strategies prepared by Anglian Water that inform our investments for Whitlingham WRC, so that the Local Plan is referencing the correct information and decision makers can access the this information through the lifespan of the plan, as our own plans are updated every 5 years to take account of changes to growth projections, regulatory and legislative changes, and environmental implications. This ensures that we can plan effectively and invest where it is needed.

NCC Planning Officer response: Noted. The Preferred Options response from Anglian Water stated “We have submitted our business plan for AMP 7 (2020 to 2025) to Ofwat and expect to receive final determination in December 2019. However Anglian Water has committed investment at Whitlingham Water Recycling Centre of £17million to accommodate further growth to 2031.” It does not provide any proposal specific details such as would normally be provided within a masterplan. We consider that a masterplan is an appropriate means of identifying the specifics of future proposals, their potential overall significance and the likely cumulative effects of future developments.

Paragraph W15.3 already includes information on the 5-yearly AMP process. We will propose amendments to paragraph W15.3 as requested to delete the current last sentence (There is no public information as to how much money will be spent at Whitlingham) and to replace it with: “However, Anglian Water has committed investment at Whitlingham WRC to accommodate further growth including an accelerated infrastructure project to reduce nutrients to technically achievable limits.”

Currently there are no detailed site-specific proposals that have been documented in the AW plans for future development at Whitlingham WRC, such that any assessment however tentative could be made in the Local Plan Policy. We will propose an amendment to paragraph W15.5 to include updated information on the DWMP (see our response to representation 99280).

One representation objecting to paragraph W15.4 of the supporting text to Policy WP15:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99279]: (Objection)

As we previously stated in our representation to the Preferred Options Plan, the focus of the Local Liaison group was on operational issues only and was not intended to consider wider issues. The Local Liaison Group was active a few years ago for Whitlingham WRC to discuss matters including odour. However, the group has not been active for some time, and we consider that this text is out of date and should be removed from the Local Plan. Should there prove to be a need for a liaison group to be re-established in the future then we will work proactively with Norfolk County Council, relevant stakeholders, and the local community to discuss any concerns regarding our site. We work to engage stakeholders through the development of our plans and strategies, including our emerging Drainage and Wastewater Management Plan (DWMP). Furthermore, development that requires planning permission, has a statutory consultation process whereby the local communities are informed of planned works. As we have indicated through our proposed modification to paragraph W3.2, the Plan should indicate that the General Permitted Development Order (2015) provides a wide range of permitted development rights on our operational land.

Suggested change: We consider the text regarding the Local Liaison Group is out of date and should be removed from the Local Plan.

NCC Planning Officer response: We recognise that there is not currently an operational need for a liaison group to meet on a frequent basis. However, we consider that a liaison group should still exist for Whitlingham that could meet as and when required, depending on operational issues, complaints or significant planning applications arising. We will propose an amendment to paragraph W15.4, as suggested

by Anglian Water to revise the wording as follows: “[delete: It is proposed] [insert: The Council proposes] that the Whitlingham Local Liaison Group [insert: is re-established], with the purpose of discussing both operational matters and Anglian Water’s future plans for the site [delete: should hold meetings on a regular basis (perhaps quarterly or 6 monthly)]. The following parties should form part of the Local Liaison Group: Kirby Bedon Parish Council, Trowse Parish Council, Postwick Parish Council, Thorpe St Andrew Town Council, local residents, Anglian Water, the Environment Agency, Norfolk County council, South Norfolk County, the Broads Authority, [delete: and] Crown Point Estate [insert: and any other relevant organisation]. [Delete: The Liaison Group should consider requests from other organisations to join the group].”

One representation objecting to paragraph W15.5 of the supporting text to Policy WP15:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99280]: (Objection)

As stated above [regarding paragraphs W15.2 - W15.3] and in previous consultation responses, we have clearly recognised the need for a long-term strategy for our water recycling centres and the foul sewerage network to accommodate further growth as set out in our Water Recycling Long Term Plan. The emerging Drainage and Wastewater Management Plan (DWMP) will consider the need for further investment at our existing water recycling centres which has been developed in consultation with the Norfolk authorities, The Broads Authority, and the Environment Agency. We would therefore suggest that the supporting text in this paragraph is amended to make this clear and ensure that reference to a masterplan is removed. It is not possible to produce a masterplan for the site as there are so many factors that can change overtime, which impact on our investments and capital programmes - including innovative technology, changes to emerging growth patterns, and changing legislative requirements. These changes include the proposed measures in the Levelling Up and Regeneration Bill to address nutrient issues. As an environmentally regulated utility, all works Anglian Water undertakes are necessary and have a clear purpose and wider environmental benefit. We regularly update our plans, engaging with our regulators, stakeholders and working in partnership with other stakeholders to provide positive environmental outcomes. The recent nutrient neutrality issue in Norfolk is one such issue that will have implications for future investments at certain WRCs within the River Wensum and The Broads catchments. Therefore, the requirement for a masterplan would put the delivery of strategic investment at Whitlingham WRC at risk.

Suggested change: We have clearly recognised the need for a long-term strategy for our water recycling centres and the foul sewerage network to accommodate further growth as set out in our Water Recycling Long Term Plan. The emerging Drainage and Wastewater Management Plan (DWMP) will consider the need for further investment at our existing water recycling centres which has been developed in consultation with the Norfolk authorities, The Broads Authority, and the Environment Agency. We would therefore suggest that the supporting text in this paragraph is amended to make clear and ensure that reference to a masterplan is removed.

NCC Planning Officer response: We note that the Drainage and Wastewater Management Plan (DWMP) was published in May 2023. We will therefore propose an amendment to paragraph W15.5 to update the information about the DWMP status and content. However, we still consider that a masterplan is necessary for Whitlingham WRC because the specific detail on development proposals normally found in a masterplan are missing from any of the published Anglian Water plans. The masterplan can be a living document that can be amended, but it would provide greater detail than is currently publicly available in the DWMP. The proposed amendment to the sentence about the DWMP will state: “Anglian Water published a Drainage and Wastewater Management Plan (DWMP) in May 2023 which outlines how their water recycling service will cope with growth and climate change over the period from 2025-2050 and supports Anglian Water’s Long Term Delivery Strategy. The DWMP sets out that the medium-term plans (to 2035) for Whitlingham are to increase the network capacity and the long-term plans (2050) are for a new Water Recycling Centre or infiltration removal, or a new permit and increase capacity along with 25% surface water removal”.

We will also propose an amendment to the last sentence of paragraph W15.5 to provide clarification that the masterplan should cover a period of at least 5 years, which would fit in with the timescales of the AMP cycles.

The only reference to Whitlingham WRC in the Anglian Water 2023 strategic report refers to a nutrient removal scheme by 2025 (AMP 7), but no further details are available. Anglian Water's PR19 Business Plan contains no references to Whitlingham WRC, and the draft Water Resources Management Plan 2024 does not contain any references to Whitlingham WRC.

One representation commenting on paragraph W15.6 of the supporting text of Policy WP15:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99125]: (Comment)

WP15.6 – how does the likely requirement for all WRCs to be at best available technology by 2030 relate to what is written here?

NCC Planning Officer response: A requirement for all WRCs to be at best available technology by 2030 does not affect the content of paragraph W15.6. However, we will be proposing a modification to Policy WP15 to include development proposals which are required to comply with new legislation (as suggested by Anglian Water).

Policy WP16. Design of waste management facilities

One representation received objecting to Policy WP16:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99131]: (Objection)

Uses the word 'should'. This is a weak term and all other policies before use the term 'will' – why is this wording used in this policy and why is it different to other policies? Does WP16 repeat MW1? If they are both needed, then WP16 needs to refer to impact on the Broads and AONB and their setting. Should it cross refer to MW1 like lots of other policies do?

Suggested change: Continue to use the word 'will' or equivalent, like all other policies do. Refer to the impact on the Broads and AONB and/or cross refer to MW1. Suggested amendments are as follows:

Policy WP16: Design of waste management facilities

All waste management development [delete: should] [insert: 'will'] secure high-quality design and waste management facilities [delete: should] [insert: 'are required'] to incorporate:

- a) designs of an appropriate scale, density, massing, height and materials.
- b) efficient use of land and buildings, through the design, layout and orientation of buildings on site and through prioritising use of previously developed land.
- c) safe and convenient access for all potential users.
- d) schemes for the retention of existing and provision of new landscape features.
- e) measures which will protect, conserve and, where opportunities arise, enhance the natural, built, and historic environment including the setting of heritage assets; and
- f) climate change adaption and mitigation measures (as detailed in Policy MW3)

Proposed variations shall not materially diminish the quality of the approved development between permission and completion, as a result of changes being made to the permitted scheme.

[insert: "All schemes must also comply with the development management criteria set out in Policy MW1"].

NCC Planning Officer response: We consider that 'should' is an appropriate term to be used in this policy. Policy WP16 sets out specific details about design which are not included in MW1. We consider that Policy WP16 does not need to specifically refer to the impact on the Broads and AONB and their setting as this is already included in Policy MW1. In addition, Policy WP16 states that that development should incorporate "measures which will protect, conserve and, where opportunities arise, enhance the natural, built and historic environment ..." which would apply to the Broads, the AONB and their settings. We appreciate that some other policies which apply to particular types of development include a cross reference to policy MW1 for clarity, but we consider that it is not necessary to amend Policy WP16 to include a reference to Policy MW1 because the policies in the Plan should be read as a whole.

Four representations received commenting on Policy WP16:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99230]: (Comment)

We welcome bullet e) in policy WP16 on the use of design to protect, conserve and, where opportunities arise, enhance the historic environment.

NCC Planning Officer response: Noted.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99457]: (Comment)

Suggest that reference should be made to natural based solutions within the design? E.g. wetlands around WRC, other nature based waste management solutions

NCC Planning Officer response: Whilst applicable to Water Recycling Centres, we do not consider that nature-based solutions would apply to the majority of waste management facilities (such as transfer

stations, scrap yards, inert recycling facilities etc) or their locations on industrial estates. We consider the other requirements of the policy would encourage and enable nature based solutions to be included within the design of waste management facilities where applicable (eg the inclusion of climate change adaption and mitigation measures and measures to protect, conserve and enhance the natural environment).

Respondent: **Broadland District Council** and **South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99498 and 99523]: (Comment)

WP16 – This seems to overlap with Policy MW1: Development Management Criteria, and it is considered that this policy would be better placed and combined with MW1.

Suggested change: It is considered that this policy would be better placed and combined with MW1.

NCC Planning Officer response: Policy MW1 applies to both minerals and waste management developments. Mineral extraction is a temporary use of land as are buildings related to such operations. It is therefore appropriate for waste developments, which are often permanent, to have a specific design related policy.

No representations received about the supporting text to Policy WP16 policy.

Policy WP17. Safeguarding waste management facilities

One representation received supporting Policy WP17:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99282]: (Support)

We welcome the amendments to this policy following our representation on the Preferred Options consultation, which recognise the consultation areas extending from our WRCs and pumping stations.

NCC Planning Officer response: Support noted.

Three representations received commenting on Policy WP17:

Respondent: **Kirklees Council** (Nick Reeves) [Person ID: 21941]

Representation [Rep ID: 99204]: (Comment)

We have considered the latest WDI data on waste flows between Norfolk and Kirklees and we note in the past few years strategic movements of hazardous waste have taken place between Kirklees and a WEEE Treatment Facility in Thetford (operated by Wisser Recycling). Subsequently, we checked the Policies Map and Policy WP17 and note that the site has not been safeguarded nor does it meet the safeguarding criteria in Policy WP17. Despite this, we do not feel that it is necessary to comment on the soundness or legal compliance of the Plan, but we will continue to engage with Norfolk CC through the DTC process as and when appropriate.

NCC Planning Officer response: Noted.

Respondent: **Essex County Council** (Philip Dash) [Person ID: 16208]

Representation [Rep ID: 99165]: (Comment)

The additional information around a Waste Management Facilities Impact Assessment (WMFIA) and Appendix 9 which set out the nature of evidence that would be required to be submitted alongside a non-waste application such that the County Council could be satisfied that the proposed development would not impact on the operation of the current or future waste management facility is welcomed. It is also considered that the plan makers consider including extending safeguarding provisions to sites allocated for a waste use. Whilst it is noted that the current version of the emerging Plan includes no such waste allocations, this stance may change in the future, and the inclusion of 'allocated sites' in the policy wording at this juncture may future proof the policy.

NCC Planning Officer response: Noted. However, if waste management facilities were to be allocated in the future this could only be done through a review of the NM&WLP at which point the policy approach to safeguarding waste management facilities could also be reviewed if necessary. Therefore, we do not consider that there is a need to amend the wording of Policy WP17 to cover potential future allocated sites.

Respondent: **Suffolk County Council** (Ross Walker) [Person ID: 21966]

Representation [Rep ID: 99445]: (Comment)

In line with previous comments, It is suggested to re 20,000 tonnes per annum. There may be hazardous waste management facility operating below 20,000 tonnes which may be worth safeguarding.

NCC Planning Officer response: Noted. However, the purpose of the policy is to safeguard larger waste management facilities. Waste management facilities can be located on land in existing employment use, land permitted or allocated for employment use, previously development land and land within or adjacent to redundant agricultural and forestry buildings. As a range of locations are potentially suitable it is not considered necessary to safeguard the smallest waste management facilities.

No representations received about the supporting text to Policy WP17.

Policy MP1. Provision of minerals extraction

One representation received supporting Policy MP1:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99309]: (Support)

As regards to the Mineral policies the contents of paragraphs MP1-MP10 inclusive are supported in full, although at the outset when considering the sand and gravel landbank, Norfolk Gravel would question why when considering the sand and gravel landbank ten year sales doesn't include 2021, when the returns and data should be readily available at this time of the year? No comments are offered on the remainder of the "strategic landbank" type policies for the other minerals.

NCC Planning Officer response: Although the formal representations period on the Publication version of the NM&WLP started at the end of September 2022, the NM&WLP was written at the start of 2022 to enable the document to be taken to the relevant County Council meetings for agreement before it was formally published. The Infrastructure and Development Select Committee meeting was in May 2022 and the Cabinet meeting was in July 2022. Therefore, data from mineral operators covering sales in 2021 was not available when the Publication NM&WLP was written.

Five representations received objecting to Policy MP1:

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99295]: (Objection)

Changes are required to make it clear that the landbanks levels have to be maintained so they are in place at the end of the plan period to make the policy accord with national policy and be effective. In respect of silica sand changes are needed to make the policy accord with NPPF. As currently drafted the policy is unsound as it is not compliant with National Policy. In respect of silica sand Paragraph 214 of the National Planning Policy Framework (NPPF) states: "Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:... c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁷⁴."

Footnote 74 states: "These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln." National policy is clear that Mineral Planning Authorities are required to plan for a steady and adequate supply of silica sand, it is therefore wholly inappropriate for Policy MP1 to state that a landbank of at least 10 years shall be maintained "where practical". It is notable that where significant new capital is required a landbank of at least 15 years is required rather than just 10 years. This means that the policy as drafted is not prepared positively and is not consistent with national policy.

The calculation of forecasted need is not consistent with national policy. Whilst there is no guidance on how this should be calculated for the purposes of plan making, Paragraph: 090 Reference ID: 27-090-20140306 of Planning Practice Guidance (PPG) provides guidance for how this should be calculated at the point of planning application submission: "The required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales. The calculations should have regard to the quality of sand and the use to which the material is put." No reference is made to the permitted throughput of a processing site. Indeed the 'throughput' of a particular site does not determine the sales made from the site. National policy makes the clear distinction that sales should be used to determine the level of permitted reserves required as the processing of raw mineral results in waste unsuitable for sale. We are advised that the average 10-year sales (2012 to 2021) for our member Sibelco King's Lynn Quarry complex is 807,548 tonnes per annum. Therefore, the forecasted need over the Plan period is at least 14,535,864 tonnes. Taking into consideration permitted silica sand reserves (3,232,000 tonnes) this indicates a shortfall of 11,303,864 million tonnes.

Suggested change: Suggested re wording of policy as follows; Proposed Changes

The strategy for minerals extraction is to allocate sufficient sites to meet the forecast need for both sand & gravel and hard rock (carstone). For sand and gravel, specific sites to deliver at least 12.597 million tonnes of resources will be allocated. The sand and gravel landbank will be maintained at a level of at least 7 years supply [insert: 'throughout the Plan period'] (excluding any contribution from borrow pits for major construction projects). Mineral extraction for sand and gravel outside of allocated sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:

- a) There is an overriding justification and/or overriding benefit for the proposed extraction, and
- b) The proposal is consistent with all other relevant policies set out in the Development Plan.

There is not a forecast shortfall in permitted reserves for Carstone during the Plan period. However, a site for Carstone will be allocated to provide flexibility to meet any future increase in demand for Carstone. The landbank for carstone will be maintained at a level of at least 10 years' supply [insert: 'throughout the Plan period'.]

For silica sand, sufficient sites to deliver at least [delete: 10.34] [insert: '11.30'] million tonnes of silica sand resources will be required during the Plan period. The landbank for silica sand will be maintained at a level of at least 10 years' supply [insert: 'or at least 15 years' supply where significant new capital is required'] [delete: where practicable]. Planning applications for silica sand extraction located outside of allocated sites, which would address the shortfall in permitted reserves, will be determined on their own merits in accordance with the policies in this Local Plan, including the requirements contained within Policy [insert: 'MP2 and'] MPSS1.

NCC Planning Officer response: No evidence has been provided that significant new capital is required for the silica sand processing plant and therefore we do not consider that this is required to be included in the policy.

The 7-years supply for the sand and gravel landbank, and the 10-years supply for the Carstone landbank, are both calculated on an annual basis through the Local Aggregate Assessment. The landbank is principally used to determine security of supply with a landbank lower than 7 years (sand and gravel) or 10 years (Carstone) indicating a need for a review of the Plan. However, as this is calculated on an annual basis a trend of the landbank declining would be picked up in time to avoid a fall to below 7 years or 10 years. The required 5-year review of the adopted Plan would also provide an opportunity for additional mineral allocations to be planned for, if required. Therefore, the proposed policy changes to specify that the landbanks will be maintained throughout the plan period are not necessary.

Please also refer to the response to representation 99470 (Sibelco UK Limited) regarding the forecast need for silica sand.

Respondent: **McLeod Aggregates Limited** [Person ID: 21904] Agent: **Stephen M Daw Limited** [Person ID: 143]

Attachment: Location Plan.pdf - <https://norfolk.oc2.uk/a/svks>

Representation [Rep ID: 99083]: (Objection)

It is requested that an additional circumstance is bulleted when planning permission can occur on a non-allocated site. Due to a shortage of available fresh water for use in the processing of mineral and a shortage of space for the disposal of processed silts, there is an imminent requirement to extract minerals on an extension to the Plant Site at Bittering Quarry. The extraction would enable the formation of new fresh water and silt lagoons to be restored to a mixture of open water, scrub and wet woodland (see Location Plan).

Suggested change: The change sought would add an additional circumstance to MP1.27 in order to address this specific issue stating for example 'the formation of fresh water lagoons and/or silt lagoons at an existing quarry'.

NCC Planning Officer response: We do not consider that it is appropriate for this example to be included in paragraph MP1.25 because it is a very specific circumstance. In terms of the current policy wording, it would

be for the applicant to demonstrate at the planning application stage if there was an over-riding justification or over-riding benefit for this particular proposed development to take place at an unallocated site. Therefore, there is the potential for the applicant to propose this development under the current policy wording and it would be for the Mineral Planning Authority to determine whether the proposal is in accordance with the policy at the planning application stage.

Respondent: **Longwater Gravel Co. Ltd.** [Person ID: 9380] Agent: **Heaton Planning Ltd** [Person ID: 21957]

Representation [Rep ID: 99351]: (Objection)

We are making representations to the above consultation on behalf of our client, Longwater Gravel Company Ltd. ('Longwater'). Longwater is a mineral operator with sand and gravel quarries and minerals and waste processing plants with the Minerals and Waste Local Plan (MWLP) area. These representations are being submitted to ensure adequate flexibility is provided within the emerging Minerals and Waste Local Plan policies concerning the provision of aggregate supply.

On a procedural point, the Norfolk Minerals and Waste Local Plan has, as part of this consultation, been further extended by a 2 year period. Firstly, to take account of delay in Plan preparation as a result of the pandemic but also to ensure the Plan covers a 15 year period to comply with national guidance.

Notwithstanding opportunities for review of the Plan (as a minimum every 5 years) to ensure that policies are effective and remain relevant and up to date, Longwater considers that this extension of time should have been subject to consultation earlier than Publication stage where the Plan is effectively considered sound. Industry were asked back in 2017 to propose sites for consideration within the emerging Plan as site specific allocations based on an end date of 2036. The two-year delay in adopting the emerging plan along with the change in end date will leave a supply gap at the end of the Plan period which industry have not been asked to comment on or the offered opportunity to promote additional sites that could be considered suitable for allocation.

As a result of the above, Longwater is seeking amendments to the general aggregate supply policy to ensure there is sufficient flexibility to enable suitable sites to come forward subject to certain policy criteria.

Minerals Specific Policies

The NPPF sets out different requirements for maintaining supply depending on the type of minerals and their end uses. For aggregate minerals which are used in building and construction, supply is maintained country-wide through the managed aggregate supply system (MASS) and through the maintenance of landbanks of permitted reserves.

Minerals can only be extracted where they naturally occur and, therefore, any strategy for planning the location of mineral development is constrained by the geographical distribution of mineral resources within the Plan area. In broad strategic terms, as depicted on the Key Diagram, this means that sand and gravel will largely be extracted in the central, northern and eastern parts of the Plan area, Carstone in the western parts and silica sand in the central / western parts of the plan area.

The strategic locational strategy is further influenced by the different requirements for maintaining supply depending on the type of minerals and their end uses. As set out above, aggregate supply is maintained through the managed aggregates supply system (MASS). Mineral Planning Authorities (MPAs) are required to make provision in their local plans to ensure the supply of aggregates over the Plan period i.e. to 2038. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate.

Paragraph 213 (f) of the NPPF requires MPAs to maintain a landbank of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials are not compromised. The footnote to part f) states that 'longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites'.

As set out in Planning Practice Guidance (PPG), an adequate or excess landbank is not a reason for withholding planning permission unless there are other planning objections which are not outweighed by

planning benefits. Valid reasons for bringing forward an application of minerals development in an area where there exists an adequate landbank include:

- significant future increases in demand that can be forecast with reasonable certainty;
- the location of the consented reserve is inappropriately located relative to the main market areas;
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; or
- known constraints on the availability of consented reserves that might limit output over the plan period.

Policy MP1: Provision for minerals extraction

As identified above, there is concern that sites (including proposed allocations) will be worked out towards the end of the Plan period. The current policy wording seeks to 'resist' applications for development outside of those specifically allocated. That approach could result in sustainable extensions, appropriately located resource and application seeking to ensure continuity in production/of certain types of resource being contrary to policy. This approach does not provide a positive framework for new applications coming forward and provides uncertainty to operators in submitting Planning Applications that would be contrary to the adopted Plan.

Policy MP1 identifies a need for at least 12.597 mt of sand and gravel to be allocated over the emerging Plan period (shortfall in the forecast need minus permitted reserve). 16 sites have been allocated, including sites MIN 51, MIN 13 and MIN 08 at Beetley and MIN 64 at Horstead. Planning permission has been granted for MIN 64 (FUL/2020/0045) and the permission has been implemented. Condition 2 of that permission allows for mineral working for 15 years from commencement of the development. This will result in the exhaustion of reserves at Horstead within the Plan period.

The emerging Plan identifies a resource of 1,830,000 tonnes of sand and gravel collectively within the Beetley site allocations, and a resource of 1,480,000 tonnes available during the Plan period (up to 2038). In both cases (Beetley and Horstead) it is assumed that the sites will operate in accordance with current demand and makes no assessment/forecast of need for upturns in production/supply.

Our client has submitted a planning application (FUL/2022/0021) to work sites MIN 51, MIN 13 and MIN 08 which, cumulatively, provide ca. 1,550,000 tonnes of mineral, ca. 300,000 tonnes below the estimated total resource. There is a possibility that the overall tonnage may be reduced further as a result of statutory consultation and minor amendments to the working scheme. There is an unidentified shortfall between estimated mineral resources and permitted mineral reserve within sites MIN 51, MIN 13 and MIN 08. This is likely to occur within other sites allocated under policy MP1. In addition, sites that obtain planning permission may be exhausted before the end of the Plan period. As is the case with the current adopted Plan, there is the prospect at sites may not come forward as applications and that poses a threat to overall supply within the Plan. Therefore, it is important to ensure that adequate flexibility is built into the strategic policies for minerals provision over the Plan period.

These amendments [see suggested policy amendments] are considered to provide greater flexibility which is necessary to safeguard the provision of sand and gravel within Norfolk over the emerging plan period due to potential shortfalls/discrepancies in estimated figures. Furthermore, these amendments support potential extensions to existing sites that might be brought forward over the plan period. Extensions to existing sites are considered to be, on balance, often more economically and environmentally sustainable due to the following factors:

- existing plant and infrastructure is in place which reduces start-up costs;
- existing jobs are retained;
- opportunity for a strategic approach to restoration; and
- continuation of existing operations which limits any cumulative impacts.

Suggested change: We suggest the following amendments to policy MP1:

Mineral extraction for sand and gravel outside of allocated sites will be [delete: resisted] [insert: 'supported'] by the Mineral Planning Authority [delete: unless] [insert: 'where'] the applicant can demonstrate:

- a) There is an overriding justification and/or overriding benefit for the proposed extraction; [delete: and]
- a)[insert: 'proposals are justified in that location taking into account the need for the specific mineral;
- b) is an extension to an existing permitted aggregate site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank;
- c) proposals enable the continued use of existing appropriately located and designed quarry plant and infrastructure;
- d) is for a new quarry that is required to replace an existing permitted site that is nearing exhaustion where it has been demonstrated that there are no potential extensions to that site or that remaining sites cannot maintain the required level of provision;
- e) proposals protect and/or provide additional local employment and support local businesses and economic prosperity;']
- f) The proposal is consistent with all other relevant policies set out in the Development Plan.

NCC Planning Officer response: The extension in the Plan Period to 2038 does not result in a shortfall at the end of the Plan, as it is matched by the shift in the start date of the Plan to 2021. Therefore, no additional sites are required for allocation. The initial start period of the Plan has been addressed by production from existing permitted sites and the landbank of permitted aggregate reserves remains above 10 years. The forecast provision for sand and gravel over the Plan Period remains suitable to deliver a steady and adequate mineral supply up to the end of 2038. The forecast supply by operators from the allocated sites in the NM&WLP indicates supply of greater than the forecast need (based on the 10-year sales average plus 10%) during the first half of the Plan Period. Calculating the forecast need from the 10-year sales average plus 10% has built flexibility into the Plan. If the landbank was to decline this would be picked up by annual monitoring through the Local Aggregate Assessment and would suggest the need for a Plan Review in accordance with national policy.

Regarding the other policy changes suggested by the respondent; we consider that the proposed change to the policy wording to state that unallocated sites will 'only be supported where the applicant can demonstrate...' has the same outcome as the existing policy wording that unallocated sites will be 'resisted unless the applicant can demonstrate...' and therefore we do not consider that this change is necessary. The NPPF and the Planning Practice Guidance do not contain any presumption in favour of extensions to existing sites over new sites, and the current policy wording is consistent with national policy. It should also be noted that quarry plant and infrastructure are normally subject to temporary planning permissions with restoration requirements linked to the cessation of extraction at the mineral working they are serving.

Respondent: **Breedon Trading Limited** (Shaun Denny) [Person ID: 21948]

Representation [Rep ID: 99288]: (Objection) The Company wishes to object to the inclusion of the following phrase within the policy: - "...Mineral extraction for sand and gravel outside of allocated sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate: a) There is an overriding justification and/or overriding benefit for the proposed extraction..." In the Company's view this does not sit at ease with the following quote from paragraph 5.3 of the Plan "...Norfolk County Council will take a positive approach to minerals development and waste management development that reflects the presumption in favour of sustainable development..." To be consistent Policy MP1 should reflect the statement made by paragraph 5.3, i.e., that the Council will take a positive approach to minerals development that reflects the principles of sustainable development.

Suggested change: The Company suggests that the presumption against sites not allocated by the Plan is dropped and replaced by the following: - "Mineral extraction for sand and gravel outside of allocated sites will be viewed positively the Mineral Planning Authority provided such proposals are demonstrably

sustainable development and: a) There is an justification or benefit for the proposed extraction...” In the Company’s view this better aligns Policy MP1 and paragraph 5.3 of the Plan.

NCC Planning Officer response: The principle of sustainable development is embedded within the NPPF and the policies in the NM&WLP and there is no need to specifically reference it in this policy, indeed the requirement for the model policy on sustainable development in Local Plans has been removed. The sites allocated in the Publication version of the NM&WLP are concluded to be an appropriate and sustainable way of meeting the forecast need for mineral throughout the Plan Period. The NPPF states as a key principle that the planning system is Plan led, so it is appropriate for unallocated sites to be required to demonstrate an overriding justification/benefit as part of any planning application.

Respondent: **Sibelco UK Limited** (Lewis Williams) [Person ID: 18360]

Representation [Rep ID: 99470]: (Objection)

1. Policy MP1 is not legally compliant or sound.

2. Paragraph 214 of the National Planning Policy Framework (NPPF) states:

“Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:...

c. maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁷⁴.”

3. Footnote 74 states:

“These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.”

4. National policy is clear that Mineral Planning Authorities are required to plan for a steady and adequate supply of silica sand, it is therefore wholly inappropriate for Policy MP1 to state that a landbank of at least 10 years shall be maintained “where practical”. It is notable that where significant new capital is required a landbank of at least 15 years is required rather than just 10 years. This means that the policy as drafted is not prepared positively and is not consistent with national policy.

5. It follows that the calculation of forecasted need is not consistent with national policy. Whilst there is no guidance on how this should be calculated for the purposes of plan making, Paragraph: 090 Reference ID: 27-090-20140306 of Planning Practice Guidance (PPG) provides guidance for how this should be calculated at the point of planning application submission:

“The required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales. The calculations should have regard to the quality of sand and the use to which the material is put.”

6. No reference is made to the permitted throughput of a processing site. Indeed the ‘throughput’ of a particular site does not determine the sales made from the site. National policy makes the clear distinction that sales should be used to determine the level of permitted reserves required as the processing of raw mineral results in waste unsuitable for sale.

7. The average 10 year sales (2012 to 2021) for the King’s Lynn Quarry complex is 807,548 tonnes per annum. Therefore, the forecasted need over the Plan period is at least 14,535,864 tonnes.

8. Taking into consideration permitted silica sand reserves (3,232,000 tonnes) this indicates a shortfall of 11,303,864 million tonnes.

Suggested change: We suggest Policy MP1 should be reworded as follows:

Proposed Changes “For silica sand, sufficient sites to deliver at least [~~10.34~~] [~~insert: '11.30'~~ million tonnes of silica sand resources will be required during the Plan period. The landbank for silica sand will be maintained at a level of at least 10 years’ supply [~~insert: 'or at least 15 years’ supply where significant new capital is required'~~] [~~delete: where practicable~~]. Planning applications for silica sand extraction located outside of allocated sites, which would address the shortfall in permitted reserves, will be determined on

their own merits in accordance with the policies in this Local Plan, including the requirements contained within Policy [insert: 'MP2 and'] MPSS1."

NCC Planning Officer response:

Point 1. We consider that Policy MP1 is legally compliant and sound as set out below.

Points 2 and 3 are noted.

Point 4. The respondent has not provided evidence of any significant new capital expense for plant at the Leziate site, and therefore 10 years is an appropriate landbank for permitted reserves. The policy states 'where practicable' in terms of the 10-year landbank for silica sand because this is subject to suitable planning applications being submitted by mineral operators for determination. The silica sand landbank in Norfolk has been below 10 years since 2010 and two planning permissions have been granted for an additional 4.094 million tonnes of silica sand extraction since 2010.

Point 5. As stated in the representation, there is no national policy guidance on how to calculate forecast need for silica sand for the purposes of plan-making and the NPPF specifically links the need to maintain a stock of permitted reserves to support the existing plant. Therefore, as set out below and in paragraphs MP1.16 to MP1.20 we consider that the permitted throughput of the plant site is a more appropriate basis for forecasting need in the NM&WLP.

Point 6. The processing plant at Leziate is subject to a Lawful Development certificate which limits its annual throughput to 754,000 tonnes; this is an appropriate level at which to calculate the forecast need for silica sand. Using a value which exceeds that amount specified in the Lawful Development Certificate would not be appropriate. It is noted that the processing of raw mineral results in waste unsuitable for sale, but this would mean that the annual sales would be expected to be lower than the maximum permitted throughput of the processing plant site.

Point 7 and 8. The average 10-year sales figures provided by Sibelco UK Ltd and the suggested amendment to the forecast need are noted, but as set out above and in paragraphs MP1.16 to MP1.20 of the Publication NM&WLP, we consider that the throughput of the plant site is a more appropriate basis for forecasting need.

Suggested change. See response to points 4, 5, 6, 7 and 8 above.

Two representations received commenting on Policy MP1:

Respondent: **Bredon Trading Limited** (Shaun Denny) [Person ID: 21948]

Representation [Rep ID: 99216]: (Comment)

Neither the policy itself or its pre-amble actually identify which sites have been selected to fulfil the 12.597 mt. It would be helpful for readers of the document for the sites identified to be listed in the policy itself or the pre-amble, or a reference made to where the schedule of identified sites lies within the wider document.

NCC Planning Officer response: Noted. Whilst we consider that the NM&WLP is sound without this change, we recognise that the addition of this information would be helpful and a minor modification will be proposed to include this information in the supporting text to Policy MP1.

Respondent: **The Lyndon Pallett Group Ltd** [Person ID: 21973] Agent: **PDE Consulting Limited** [Person ID: 21972]

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>

Representation [Rep ID: 99481]: (Comment)

Timescales

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.

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

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.

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.

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.

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.

NCC Planning Officer response: The calculation in this representation is based on many of the allocated sites starting extraction in 2023, as set out in the Publication version of the NM&WLP. However, for those sites which have not been granted planning permission yet, then the start date of the mineral working will be later. The calculation is also based on a higher total extraction rate in the early years of the Plan than the most recent ten-year average for Norfolk; therefore, there is the potential that the sites may be worked at a slower rate than originally envisaged (dependent on extensions of time for existing planning permissions).

The NM&WLP allocates 16 sites with an estimated resource of 18.145 million tonnes of sand and gravel (of which 15.4 million tonnes is expected to be extracted within the Plan period. This is higher than the 12.597 million tonnes set out in Policy MP1. The quantity of permitted reserves is dependent on suitable planning applications being submitted for determination, but the sand and gravel landbank in Norfolk has been above seven years since 2012. Five of the sand and gravel extraction sites allocated in the Publication version of the NM&WLP have already been granted planning permission which has been implemented (sites MIN 37, MIN 64, MIN 65, MIN 207 and half of site MIN 69) equating to 7.25 million tonnes of permitted reserves. In terms of the suitability of Feltwell as a site, this is dealt with in our response to representation 99482 (Lyndon Pallett Group Ltd) in the Sustainability Appraisal.

Two representations received objecting to the Calculation of forecast need for sand and gravel paragraph of the supporting text to Policy MP1:

Respondent: **Middleton Aggregates Ltd** [Person ID: 1861] Agent: **Stephen M Daw Limited** [Person ID: 143]

Attachment: Chapters-1-to-18-SMWLP-Adopted-July-2020.pdf - <https://norfolk.oc2.uk/a/svjm>

Representation [Rep ID: 99078]: (Objection)

The forecast shortfall does not give sufficient flexibility given the uncertainties of future demand and problems which may arise preventing allocated sites from being developed. A greater flexibility has recently been given in the Suffolk Minerals & Waste Local Plan adopted in July 2020 (para 5.33).

Suggested change: The Plan should include an additional 20% of 0.274 million tpa for each year, giving a total forecast need of 1.643 million tpa, equivalent to 29.957 mt over the Plan period and a shortfall of 15.059 mt, or an additional 2.462 mt required. The additional requirement could be partly met by the allocation of MIN 205 and land immediately to the north of MIN 205.

NCC Planning Officer response: The forecast need in the Publication version of the NM&WLP has been calculated using the 10-year sales average (2011-2020) with an additional 10% for flexibility. This is considered to be sufficient, for the reasons set out in paragraphs MP1.2 to MP1.9 of the NM&WLP.

The NM&WLP allocates sites for sand and gravel with an estimated mineral resource of 15.4 million tonnes (Mt) available during the Plan period to 2038, and a total resource of 18.165 Mt. 5.845 Mt of the 15.4 Mt resource were granted planning permission in 2021. Therefore, even if the suggested alternative calculation of forecast need was used (based on 20% above the 10-year sales average), the mineral resource in the currently allocated sites would be sufficient to meet the increased shortfall of 15.059 Mt. Therefore, site MIN 205 would not be required to meet the suggested increased forecast need.

Respondent: **Earsham Gravels Limited** [Person ID: 4031] Agent: **Stephen M Daw Limited** [Person ID: 143]

Attachments: Chapters-1-to-18-SMWLP-Adopted-July-2020.pdf - <https://norfolk.oc2.uk/a/svkr>

Representation [Rep ID: 99082]: (Objection)

The Plan should include an additional 20% of 0.274 million tpa for each year, giving a total forecast need of 1.643 million tpa, equivalent to 29.957 mt over the Plan period and a shortfall of 15.059 mt, or an additional 2.462 mt required. The additional requirement could be partly met by the allocation of MIN 212 Mundham.

Suggested change: The forecast shortfall does not give sufficient flexibility given the uncertainties of future demand and problems which may arise preventing allocated sites from being developed. A greater flexibility has recently been given in the Suffolk Minerals & Waste Local Plan adopted in July 2020 (para 5.33). The additional requirement could be partly met by the allocation of MIN 212 Mundham, for the reasons given in a separate representation.

NCC Planning Officer response: The forecast need has been calculated using the 10-year sales average (2011-2020) with an additional 10% for flexibility. This is considered to be sufficient, for the reasons set out in paragraphs MP1.2 to MP1.9 of the Publication version of the NM&WLP.

The NM&WLP allocates sites for sand and gravel with an estimated mineral resource of 15.4 million tonnes (Mt) available during the Plan period to 2038, and a total resource of 18.165 Mt. 5.845 Mt of the 15.4 Mt resource were granted planning permission in 2021. Therefore, even if the suggested alternative calculation of forecast need was used (based on 20% above the 10-year sales average), the mineral resource in the currently allocated sites would be sufficient to meet the increased shortfall of 15.059 Mt. Therefore, site MIN 212 would not be required to meet the suggested increased forecast need.

One representation received objecting to paragraph MP1.10 of the supporting text to Policy MP1:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99231]: (Objection)

Carstone Requirement and Shortfall We note the section on Carstone. Carstone is probably the most important building stone within the county and can be seen in historic buildings and structures of western Norfolk. It is largely quarried today for construction rather than conservation purposes, but it is essential

that some extraction takes place for building stone uses and that minimal crushing of good quality carstone takes place for construction purposes. We note that there is one site allocation later in the Plan for Carstone although the Plan states that this is of insufficient quality for use as a building stone. We therefore we recommend that an alternative site for building stone be sought. It is important that such stone is available for historic conservation work and also for limited use in new build where using traditional building materials can be a helpful design tool in picking up on local vernacular, character and distinctiveness in sensitive design.

Suggested change: Consider site allocation for Carstone as building stone for conservation purposes (rather than just for general construction).

NCC Planning Officer response: Noted. Site MIN 6 is already allocated within the adopted Minerals Site Specific Allocations Development Plan Document and the uses for carstone from this site were discussed at the EiP in 2013. The Carstone generally found within this part of the deposit has been worked for many years and has been generally found to contain insufficient iron to make it suitable for use as dimension stone, which is most often being found further north in the deposit including at the existing permitted site at Snettisham. While the allocation of minerals specific sites requires site investigations due to the variable nature of the deposit, it is only possible to get a general view of the underlying geology. However, as carstone suitable for use as dimension stone has a far higher market value than that of construction fill it is reasonable to assume that the operator will ensure that they get best value for any carstone of sufficient quality to be used as dimension stone, if such material is found during extraction. Due to the variable nature of the geological deposit, it is not possible to ascertain a tonnage for the permitted reserve that would be suitable for use as dimension stone through trial boreholes. However, it is known that suitable material has been extracted in the past from the permitted sites when encountered, and that based on the relatively small quantities of Carstone extracted per annum this would continue to occur through the Plan Period.

Norfolk County Council carried out a 'call for mineral extraction sites' as part of the production of the NM&WLP and no other sites for Carstone extraction were submitted for consideration, although there are other existing permitted Carstone extraction sites. At the end of 2021 the landbank of permitted reserves for Carstone in Norfolk was 1.524 million tonnes, which would last over 16 years based on the previous 10-years average sales.

One representation received objecting to paragraph MP1.19 of the supporting text to Policy MP1:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99478]: (Objection)

Glass Recycling as a Silica Sand Substitute A

Glass recycling can potentially contribute to the shortfall of silica sand extraction though it is far from being straightforward. However, Sibelco have a celebrated history in Belgium of developing a supply chain for the provision of suitable glass cullet. Sibelco UK have not encouraged such a development in the UK and it is not included by N.C.C. in the new Policy MPSS1. Glass recycling would indeed support the presumption of sustainable development. The main issue is to provide a clear glass cullet that is not contaminated. The NMWLP, 2022, and NMWLP Preferred Options, July 2019 do not consider this option.

The issue was discussed at length in a public consultation document ID no.94688, dated 26/10/2019 submitted by CATSS, Campaigners Against Two Silica Sand Sites. A recent British Geology Survey/DEFRA Mineral Planning Fact Sheet entitled, Silica Sand, dated January 2020 is also very relevant. These documents make a compelling case for Norfolk to do more to meet the potential market for recycling selected glass cullet suitable to supplement silica sand extraction.

In 2020, 38.5% of UK glass container manufacture comprised recycled glass. This reduced the demand for raw materials. Every ton of glass cullet saves 1.2 tons of extracted sand. Furthermore, as it takes less energy to melt; every ton of cullet in container glass manufacture saves 580kg of CO₂, aiding global warming amelioration. Flat glass manufacture by the float glass process is highly sensitive to impurities and so demolition site glass and most curbside collected glass is particularly difficult to use. Flat glass cullet from

downstream fabricator glass wastage in the automobile and double glazing industries can however be readily substituted. Preparative technologies are continually improving the cullet that can be used.

In several places in the "consultation" record in the document, NMWLP Statement of Consultation, May 2022, the possibility of supplementing the Norfolk silica sand extraction with appropriate glass recycling is raised in order to conserve both resource and landscape. Variations on a standard response is generated, such as that on page 58: "Norfolk already has a well-developed and effective collection process for glass recycling at the kerbside, through Household Waste Recycling Centres, and bring banks. The glass collected through these methods in Norfolk is sent to existing glass recycling facilities located elsewhere in the UK. Silica sand is a necessary ingredient in the remelt feedstock for recycled glass. The NM&WLP contains criteria based policies which would be used to determine planning applications for waste management facilities including glass recycling and other inert waste recycling. The plan does not fail the Sustainability appraisal Report."

While these statements are reasonably correct, they hide the fact that the N.C.C. "well-developed and effective collection process for glass recycling" is very much unsuitable for the supplementation of silica sand extraction. Furthermore, Norfolk's performance in general glass recycling does not hold comparison with European performance, and so the deficits in performance are not being acknowledged. It is true that in some areas of Norfolk, 99% of glass is recycled for general glass reclamation, but the figures are patchy across the County. The total recycling of domestic waste glass was 44.21% in 2021/22, compared with 46.71% in 2016/17 so there appears to be no improving trend. The retention of business glass waste is probably better. These figures have not met the 2015 MRF target for the separate collection of glass. It has to be remembered that glass is essentially inert and that theoretically almost all glass can be recycled in a circular economy with optimal recycling, and the availability of materials recycling and reprocessing facilities.

In the EU, the average closed-loop glass recycling figure is 74%, with 61% in France and 77% in Germany. This includes 90% of bottles in the EU. There has been considerable investment in bottle bank systems, and in public education. Clearly there are substantial technicalities, but these comparative figures have some legitimate force. DEFRA has proposed that by 2030, 83% of glass should be recycled with an 82% remelt target. The biggest losses are occurring at the collection stage where the conventional curbside collections result in unacceptable contamination. Deposit-return schemes elsewhere in the western world have resulted in up to 98% recycling of beverage glass. Universally-available glass and bottle collection facilities are also fundamental. The scaling up of refillable glass packaging schemes too are being promoted.

Glass recycling for silica sand replacement has to be based upon the reclamation of clear glass with minimal contamination. However, a much higher-value glass cullet is required. Although not obligated by the NPPF, it makes eminent sense in a situation where the selection of potential silica sand extraction sites in Norfolk has become increasingly difficult to the extent of N.C.C. now proposing to abandon its main proposals under the NMWLP. 2022, to optimize its recovery of silica sand-worthy recycled glass. This seems to be just another denial of the facts.

Sibelco UK has recently acquired glass processing centres in Peterborough, Sheffield and Motherwell. The company seeks to increase the UK average glass recovery to the European average of 90%, and to improve glass collection away from contamination in domestic waste. Is not the prospect of optimising the substitute replacement of silica sand raw material with good quality colour-sorted cullet of correct composition and low levels of contamination for both glass container and flat glass manufacture an important strategic opportunity for Norfolk in collaboration with Sibelco UK?

Suggested change: This issue deals with potential, enhanced-sustainability improvements to the NMWLP. Suggest the formation of a C.C. committee, involving glass industry and waste specialists, to determine whether glass recycling can be improved in Norfolk, and with particular reference to silica sand substitution, with modification of the NMWLP to accommodate such change, if appropriate.

NCC Planning Officer response: The information on glass recycling in the representation is noted. Please refer to paragraph MP1.19 of the Publication version of the NM&WLP which sets out how high purity silica sand is needed in order to produce glass from recycled glass cullet, it is an ingredient within the feedstock which balances the higher level of impurities found in recycled glass so that glass of acceptable quality can

be made. It is not possible to quantify the impact that potential glass recycling increases in the UK would have on the need for silica sand from Norfolk during the Plan period. Therefore, it is not proposed to make any adjustments to the forecast need for silica sand based on recycled glass.

The figures quoted in this representation of 44.2% and 46.7% of domestic waste glass in Norfolk being recycled have been misinterpreted by the representor, as these figures relate to the percentage of all household waste that was recycled, composted or reused in those particular years and they are not the percentage of household glass that was recycled in Norfolk during those years. An audit of residual household waste in 2021/22 suggests that around 80% of household waste glass in Norfolk is being recycled. Further detail on glass recycling in Norfolk is set out in section 8 of the Silica Sand Topic Paper.

One representation received objecting to paragraph MP1.27 of the supporting text to Policy MP1:

Respondent: **Folkes Plant & Aggregates Limited** [Person ID: 17581] Agent: **Stephen M Daw Limited** [Person ID: 143]

Representation [Rep ID: 99101]: (Objection)

The Plan does not give sufficient weight to the provision of a local supply of aggregate for the Great Yarmouth Urban Area. As drafted, the Plan would not allow a future extension of Welcome Pit, Burgh Castle as a non-allocated site, even though this is the only source of land-won aggregate within 10 miles of Great Yarmouth. This stance will result in unnecessary transportation costs; higher carbon emissions and is completely contrary to mitigating climate change, an environmental objective of the NPPF (para 8.c)) and the aim of the Climate Change Act 2008 to reduce UK greenhouse gas emissions.

Suggested change: Where there is inadequate mineral supply in a sub-area, Plan Policy should allow mineral extraction at either new or extended unallocated sites.

NCC Planning Officer response: The forecast need for aggregate minerals and the landbank of permitted reserves, are planned for at the County level and are not split into sub-areas of the county. It is correct that an unallocated extension to Welcome Pit would be a departure from Policy MP1. However, there are other sites for aggregate mineral extraction within 10 miles of Great Yarmouth. Site MIN 25 at Haddiscoe is allocated for aggregate extraction in the Publication version of the NM&WLP, it is less than 7 miles from Great Yarmouth and expected to have an extraction rate of between 100,000 to 150,000 tonnes per annum (tpa). Norton Subcourse quarry has existing planning permission for mineral extraction until February 2036 with an extraction rate of between 100,000 and 200,000 tpa and is located less than eight miles from Great Yarmouth. Welcome Pit produces sand at 16,000 tpa. The current permission for 187,500 tonnes of mineral extraction at Welcome Pit (reference FUL/2019/0040) is for extraction to cease by 31 December 2035 and the site be restored by 31 December 2036; therefore, the site would be operational for the majority of the plan period and alternative sites for aggregate extraction would also be available within 10 miles of Great Yarmouth during the majority of the plan period.

Policy MP2. Spatial strategy for minerals extraction

Five representations received objecting to Policy MP2:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99233]: (Objection)

We have raised concerns about the wording in relation to harm to the historic environment in policy MP2. In order to make this policy consistent with the NPPF and effective in securing sustainable development, we suggest that the policy wording is amended.

We welcome the addition of designated heritage assets as a bullet point in this policy. Conservation Areas should also be added to this list as they are designated heritage assets. Substantial harm is a very high bar. Less than substantial harm is still harm and harm should be avoided in the first instance. We suggest that you reword this bullet point to delete the word substantial and add reference to significance and setting.

Suggested change: Amend text to read; a designated heritage asset, including listed buildings, registered parks and gardens, [insert: 'conservation areas'] and scheduled monuments, or their settings if the proposed development would cause [delete: substantial] harm to [delete: or] the [delete: loss] [insert: 'significance'] of the heritage asset [insert: '(including any contribution to significance by setting)'].

NCC Planning Officer response: Noted. We will propose a modification to make all the changes requested except the deletion of the word 'substantial'. We recognise that great weight should be given to the heritage asset's conservation irrespective of the level of potential harm to its significance. Paragraph 200 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". Therefore, it would not be appropriate for the policy to state that a facility should not be located within the setting of a designated heritage asset if it would cause harm to the significance of the heritage asset as less than substantial harm should be weighed against the public benefits of the proposal.

The proposed modification would read as follows:

"• a designated heritage asset, including listed buildings, registered parks and gardens, conservation areas and scheduled monuments, or their settings if the proposed development would cause substantial harm to ~~or the loss~~ significance of the heritage asset (including any contribution to significance by setting)."

We also propose to add the following text to paragraph MP2.9 "The NPPF (2023) sets out how to consider impacts of proposed development on the significance of a heritage asset. In accordance with NPPF (2023) paragraph 202, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal."

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99296]: (Objection)

Policy MP2 is not legally compliant or sound. Paragraph 209 of the NPPF states: "It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation."

It is notable that Policy MP2 dictates that specific sites for silica sand, "should be located where they are able to access the existing processing plant and railhead at Leziate via conveyor, pipeline or off-public highway haul route." There is no basis or justification for imposing this restriction as a new mineral site could be a significant distance from the existing processing plant which might mean that the only viable or the most sustainable option is to build a new processing plant or warehousing facility. This is clearly not an effective approach to meet unmet need and is not consistent with the principles of national policy which set out that minerals can only be worked where they are found.

Furthermore, there is very little basis for the remainder of the spatial strategy, which simply states areas where mineral extraction sites are not acceptable. This ignores that silica sand is a nationally important mineral and that the extraction of this mineral in areas mentioned within the policy has been found to be acceptable. This very clearly cannot be termed a spatial strategy for silica sand extraction and as drafted is not justified, consistent with national planning policy, effective or positively prepared. It is simply unsound.

Paragraph 23 of the NPPF states: “Broad locations for development should be indicated on a key diagram, and landuse designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or nonstrategic policies).”

Paragraph 210 of the NPPF states: “Planning policies should: a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;...

The reasoning for removing Areas of Search from the plan is unequivocally flawed. Especially as the criteria used differs from that set out in the policy and effectively implies that the whole of the resource area is an unacceptable location for minerals development. This undermines the strategic and national importance of silica sand whilst also prejudging specific applications which may evidence that a particular location is suitable for mineral extraction.

The draft Plan approach does not meet the requirement of Paragraph 210 of the NPPF which states that planning policies should provide for the extraction of mineral resources. Indeed, Paragraph 23 of the NPPF is clear that strategic policies should provide a clear strategy for bringing forward sufficient land to address objectively assessed need. This policy does not do this, but rather attempts to set out a principle that silica sand resources are not located in areas acceptable for extraction. This means that the policy is not positively prepared, justified, effective or consistent with national policy. It is important to note that Norfolk is one of the only areas in England processing sand capable of colourless glass manufacture. This damaging rhetoric and reckless approach to policy making threatens the viability of the nation’s glass industry. Using a set of baseless principles that would be liable to legal challenge.

The policy as drafted serves no basis and should be re-evaluated in light of the above-mentioned policies and PPG. Paragraph: 008 Reference ID: 27-008-20140306 of the PPG states: “Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):

1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;
2. Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or
3. Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

National Park Authorities are not expected to designate Preferred Areas or Areas of Search given their overarching responsibilities for managing National Parks. Furthermore, in exceptional circumstances, such as where a local authority area is largely made up of designated areas such as Areas of Outstanding Natural Beauty, it may be appropriate for mineral planning authorities to rely largely on policies which set out the general conditions against which applications will be assessed. In planning for minerals extraction, mineral planning authorities are expected to co-operate with other authorities.”

The Specific Sites proposed for allocation cover a very small proportion of the overall forecasted need for silica sand. Sibelco strongly disagree with the Council’s assertion in paragraph 13.4 of the Silica Sand Topic

Paper that, “there are exceptional circumstances in Norfolk to rely largely on a criteria-based policy.” Norfolk is not made up largely of designated areas such as Areas of Outstanding Natural Beauty. There are a number of areas where silica sand extraction could come forward in both non-designated and designated areas. Nationally important mineral is routinely extracted within Areas of Outstanding Natural Beauty and other designated sites such as Ramsar and SSSI’s where effective mitigation measures can control development. The following evidence should also be considered in NCC policy making:

- In his examination of the Norfolk County Council Minerals Site Specific Allocations DPD (2017) the Inspector found that to address a shortfall of 0.68 million tonnes of silica sand, it was appropriate to designate some 946 hectares of Area of Search. On this matter the Inspector concludes, “I am mindful that the Plan has identified 946 hectares of land within the AoS, which I consider provides a suitable level of provision, given the uncertainties involved and the need for some flexibility should the future need for silica sand increase. Overall, I consider that the site selection methodology is sound.”
- In his examination of the Norfolk County Council Minerals Site Specific Allocations DPD (2017) the Inspector found the site selection methodology sound. The current site selection methodology appears to be the same. It is therefore difficult to understand why the Sustainability Appraisal excludes all the proposed Areas of Search, especially as these areas were deemed acceptable for inclusion and proposed allocation within the Norfolk Minerals and Waste Local Plan Review Preferred Options.

Suggested change: The policy should be deleted and replaced with the following wording: "To help meet the at least 14.54 million tonne silica sand requirements for the Plan period as identified in in Policy MP1, the following hierarchy of resource delivery will apply:

1. the delivery of specific sites MIN 40 and SIL01 over other proposals; then
2. the delivery of a site Preferred Area; then
3. an extension to an existing quarry located within an Area of Search; then
4. an extension to an existing quarry outside an Area of Search or a new quarry located within an Area of Search; then
5. a new quarry outside of an Area of Search."

NCC Planning Officer response: The Mineral Planning Authority disagrees with the respondent’s view that the policy restricts location for silica sand extraction sites based on available transport options to access the processing plant and railhead by conveyor, pipeline or off-highway haul route. The policy states that sites **should** (emphasis mine) be located to be able to do this, it would therefore be the preference for access to transport mineral in these more sustainable ways; especially given the anticipated extraction volumes planned for. However, the policy is not restrictive as the respondent suggests, the wording is not ‘must’ but ‘should’. Notwithstanding this, road transport of the planned quantity of silica sand extraction would necessitate around 27 HGV movements per hour based on a 10 hour day, 5.5 days per week; which would be likely to cause unacceptable highway impacts on many roads in the area underlain by the silica sand resource, and hence the preference for alternative modes of transport.

The respondent also suggests that a new processing or warehousing facility could be built elsewhere. It is noted that there is no suggestion that the railhead move; and as the majority of processed material is transported onward by rail this would raise the issue as to how processed sand would get from any new processing plant to the railhead. Any alternative location for the processing plant would need to be acceptable in planning terms and subject the successful determination of a planning application or DCO. Notwithstanding this, Paragraph 214 of the NPPF states that Mineral Planning Authorities should plan for a steady and adequate supply of industrial minerals by: c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment’. Therefore, the need to plan for silica sand extraction in Norfolk is unequivocally tied to the existence of the processing plant and its requirements for material to process into a product for onward sale. Industrial sand requires significant processing before it can be sold. The NPPF states that supply is secured through permitted reserves, therefore, the proposed land for silica sand extraction must be deliverable.

The proposed strategic policy MP2 seeks to direct mineral operators to search for parts of the resource where acceptable applications could deliver sites, it is not unduly restrictive but does indicate those areas where it would be unlikely that a site could be delivered. The NPPF places strong levels of protection on all the areas and designations mentioned in Policy MP2. NPPF paragraph 211, part a) states 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...' Policy MP2 does not place a blanket ban as suggested by the respondent, e.g., for the Broads and AONB; the following is included 'other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest', which is in accordance with NPPF paragraph 177. Part b of NPPF paragraph 211 provides protection from unacceptable adverse impacts on the natural and historic environment from mineral extraction.

The respondent places great emphasis on the fact that silica sand is of national importance and that it can only be dug where it is found. The Mineral Planning Authority does not disagree with either of these statements. However, the Mineral Planning Authority must balance this against the importance of many other protected designations; including habitats sites, SSSIs, AONBs, the Broads, and designated heritage assets, all of which are of at least of national importance and some will be of European or International importance; they will all also be geographically fixed in their existing location. Therefore, future silica sand extraction sites must be located within the resource where they will not result in unacceptable adverse impacts and cause harm to such sites, this is consistent with national policy. It should also be noted that the areas listed in Policy MP2 that mineral development should not be located within apply to all types of mineral, not just to silica sand.

The respondent raises concerns regarding the removal of the areas of search from the NM&WLP and the introduction of a criteria-based policy. They state that nationally important mineral is routinely extracted from AONBs and National Parks. However, mineral extraction takes place for some minerals over many years; planning policies change and what may have been found acceptable in the past, may now be inconsistent with national policy and unacceptable except in exceptional circumstances. As was stated previously the NPPF directs mineral extraction away from such designated areas where possible, and Policy MP2 is consistent with this approach.

The respondent then refutes the reasons for the Mineral Planning Authorities removal of the Areas of Search. The respondent states that impacts on heritage assets, aerodrome safeguarding concerns, loss of public access, or working within or in proximity to designated habitats sites and protected landscapes are insufficient reason for the removal of the Areas of Search. Much of the justification for this view is that the Inspector at the EiP of the Silica Sand Single Issue Review found these Areas to be sound. However, in many cases further information is now available compared within 2017, and it is the combination of factors which has contributed to the Mineral Planning Authority's view that the Areas of Search do not now present areas where there would be a reasonable prospect of a planning permission being granted and delivered.

The potential impacts on heritage assets of a working within AOS E has been subject to continued objections from Historic England through the NM&WLP process, and the Mineral Planning Authority commissioned the Norfolk Historic Environment team to carry out a Heritage Impact Assessment of AOS E and Proposed Area SIL02. The conclusions of this were that for it to be likely that less than substantial harm would result from silica sand extraction within the study area, an increased standoff would be required along parts of the northern boundary of AOS E. This would reduce the size of the area of search from which a prospective site could come forward.

The MOD Defence Infrastructure Organisation (DIO) did not respond to the consultations on the Silica Sand Single Issue Review. However, while the birdstrike zone for RAF Marham was in place during the Silica Sand Review, it was after the EiP concluded that RAF Marham was chosen as the main UK operating base for the F35 multirole combat jet. The DIO did object to the proposed Preferred Area SIL02 and raised concerns regarding any prospective sites within AOS E where either wet working or restoration to open water would form part of the proposal. Given that silica sand extraction in Norfolk has usually resulted in the formation of significant areas of open water, it was likely that within the lower lying areas in proximity to the River Nar within AOS E any prospective application would be likely to contain areas of open water on restoration and

given the proposed working method on SIL 02 of dredging, that this would be likely within some parts of AOSE.

Public access was discussed as part of the Single Issue Silica Sand Review in the exclusion of AOS D and the inclusion of AOS E; the basis of this was that public access within AOS D was through the provisions of the CROW Act, whereas for Shouldham Warren within AOS E it was permissive access and so could be easily removed by the landowner. However, further evidence as part of the NM&WLP process has amended this view. The public access within Shouldham Warren is granted by Forestry England who manage the woodland on a leasehold basis. This public access is part of Forestry England's mission statement to provide public access on land within their control, and so part of their national policy. The lease held by Forestry England has over 900 years to run and should be considered permanent for the purposes of the Plan. Therefore, it is unlikely that Shouldham Warren would be available as a potential silica sand extraction site, as there would be a significant reduction in public access during extraction and potentially on restoration and this would run counter to Forestry England's mission statement and NPPF paragraphs 98 and 99. Therefore Shouldham Warren is concluded to be undeliverable for future silica sand extraction.

As set out in the Silica Sand Topic Paper, when all this additional information is taken into account such significant areas would be unlikely to provide an acceptable site for planning permission to be granted that AOS E ceases to be an area of search with any realistic potential for providing a future silica sand site within part of it.

As set out in the Silica Sand Topic Paper the remaining potential areas of search (F, I and J) are far smaller and are too fragmentary to form an appropriately sized area of search within which to find a potentially viable silica sand extraction site and it is considered unlikely that these areas provide any greater certainty of development than any other part of the silica sand resource in the absence of AOS E.

With regards to the suggested policy change, specific sites MIN 40 and SIL 01 are allocated in the NM&WLP and have received planning permission, therefore point 1 is not necessary. A suitable site Preferred Area has not been proposed for inclusion in the NM&WLP therefore point 2 is not relevant. None of the previously designated areas of search are near enough to existing silica sand quarries to enable an extension to an existing site to be located within them and the areas of search proposed as omission sites by Sibelco are also not in proximity to existing silica sand quarries, therefore point 3 is not relevant. In relation to points 3, 4 and 5, as discussed above the Silica Sand Topic Paper sets out why the previously designated Areas of Search are no longer considered to be deliverable.

The Mineral Planning Authority maintains its view that the criteria-based policy is an appropriate way of planning for the steady and adequate supply of silica sand. It allows applications to come forward on land where permission could be granted if it is supported by sufficient evidence to show the site is acceptable with appropriate mitigation measures. However, there are significant areas of the resource where designations of national and international importance are located and national policy and legislation limits development which might adversely impact those areas.

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99340]: (Objection)

In order to ensure the plan is effective and does not set policy MP2 against policy MW1, we recommend that County Wildlife Sites are added to the list provided in bullet points at the end of the policy. The CWS network in Norfolk consists currently of approximately 1400 sites, the safeguarding of which is vital to the future of Norfolk's wildlife. With legal targets in the 2021 Environment Act for nature's recovery, a duty on public bodies to have regard to nature's conservation and enhancement in the NERC Act and the Environment Act, and a policy requirement in policy MW1 to safeguard and provide gains for biodiversity through planning decisions, it would be counterproductive to not afford the CWS network the same policy protection under policy MP2.

Suggested change: County Wildlife Sites should be added to the list of locations/features where development should not be located within.

NCC Planning Officer response: We do not consider that policy MP2 is set against policy MW1. County Wildlife Sites are not excluded from mineral development in Policy MP2 for the following reasons. Paragraph 175 of the NPPF (2023) states that plans should distinguish between the hierarchy of international, national and locally designated sites, therefore Policy MP2 only states that sites for mineral extraction should not be located within a SSSI or a habitats site (SPAs, SACs and Ramsar sites) which it is likely to have an adverse effect on, and these sites are nationally and internationally designated. Policy MP2 also states that sites for mineral extraction should not be located within an ancient woodland, which is an irreplaceable habitat. County Wildlife Sites are designated at a county level whilst silica sand is a nationally important industrial mineral.

However, whilst Policy MP2 does not automatically exclude mineral extraction from within County Wildlife Sites, Policy MW1 does state that any development proposal must demonstrate that the development would not have an unacceptable impact on the natural, geological and hydrogeological environment, including internationally, nationally or locally designated sites and irreplaceable habitats. We consider that Policy MW1 will sufficiently protect County Wildlife Sites. In addition, Norfolk County Council's 'Local List for the Validation of Minerals and Waste Planning Applications' (2023) requires Biodiversity Surveys and Assessments to be submitted at the planning application stage for all applications which have the potential to affect protected sites, European Protected Species, National Protected Species, Priority Habitats and Species. These surveys would assess the condition of a County Wildlife Site which could potentially be affected by the proposed development at the time of the application.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99479]: (Objection)

Protection of Woodland

In Policy [paragraph] 8.1, it states, "The Climate Change Act 2008 sets up a framework for the UK to achieve its longterm goals of reducing greenhouse gas emissions and to ensure that steps are taken towards adapting to the impacts of climate change. That Act also introduced a requirement into the Planning and Compulsory Purchase Act, 2004, for local planning authorities to address climate change in preparing Local Plans. In 2019, the Climate Change Act was amended to commit the UK government by law to reduce greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050. The government's Net Zero Strategy, Build Back Greener (2021), sets out policies and proposals for decarbonising all sectors of the UK economy to meet net zero target by 2050.

Policy [paragraph] 8.3 adds, "Forestry and woodlands act as carbon sinks and capture greenhouse gas emissions. In addition, habitat creation and the expansion of existing habitats can increase the resilience of the natural environment to cope with climate change." It goes on to support these objectives in the reclamation of mining sites.

Policy MW3 states, "Proposals for new minerals and waste developments (including extensions to existing sites) will therefore be expected to: (f) take opportunities to incorporate trees, retain existing trees and include measures to assist habitats and species to adapt to the potential effects of climate change wherever change is possible."

The NMWLP establishes 'ancient woodland' and 'veteran trees' as landscape features that will be strongly protected. Development Management Policy OM 8.23, (NMWJP, Preferred Options, July 2019) for example, states, "There are also important areas of ancient woodland across Norfolk, often with veteran treesAll of these landscape features will be strongly protected from any adverse impacts arising from minerals and waste management development." [paragraph 6.24 of Pre-Submission document]

To help allay Net Zero, the UK government is dedicated to plant 1M acres of trees by 2050, increasing national tree cover from 14.5 to 17.5 %. In September 2019, the Norfolk County Council committed to planting 1 million trees over the next 5 years. In the Cabinet Members Delegated Decision Paper on the Preferred Options Consultation, dated December 10th, 2019, there was an important statement. Under a heading, Policy MP13 Silica Sand Area of Search AOS E and Policy MP2, it was stated, "(this) suggests a significant policy shift in the important roles that trees play in County Council operations. It is clear that

much more attention needs to be given the retention of existing tree cover, with additional recreational opportunities. An elevated status needs to be given this in the planning balance as to whether an Area of Search should be designated at Shouldham. The Borough Council view is that the County Council should remove the AOS for this reason."

It continues, "Additionally, Policy MP2 provides a degree of protection for areas with defined characteristics. Clause a) refers to 'ancient woodland.' In view of the County Council decision referred to above, it would be appropriate to delete the word 'ancient' leaving an enhanced level of protection to woodland in general." The next sentence refers to this new protection of woodland in the decision to remove AOS E from the preferred options site selection.

This change of definition is yet to find its way into the NMWLP document. It should be modified to affect this change.

Suggested change: This issue deals with potential, enhanced-sustainability improvements to the NMWLP.

Change of the informing documents and of the NMWLP to recognise the formal protection of trees in established woodland from felling for minerals extraction, in accordance with both the Norfolk and HMG climate policies and cabinet decision making. The opportunity for tree planting in mining mitigation measures and in site restitution should be codified in order to support the climate initiatives

Important public recreational landforms to be protected ad infinitum from surface mining, in the absence of a formal change of use. Shouldham Warren, West Bilney Woods, and other significant public recreational sites to be fully protected from inclusion in the Norfolk opencast mining safeguarding maps and from planning orders.

NCC Planning Officer response: The representation states that there has been a failure to consider climate change regulations and procedures in proposals that involve the destruction of woodland. The NM&WLP contains policy MW3 'climate change mitigation and adaptation'. Policy MW1 'Development Management Criteria' requires planning proposals to demonstrate that the development would not have an unacceptable impact on the natural environment.

The terms 'Ancient woodland' and 'Ancient or Veteran trees' are defined within national policy and included within the glossary of the NPPF. The respondent has referred to these definitions as 'landscape features'; while they are undoubtedly important in landscape terms, the principle reason for their protection in national policy is biodiversity, they are both classified as irreplaceable habitats (which is also defined within the NPPF glossary) 'Ancient woodland' is an area that has been wooded continuously since at least 1600 AD, these areas have all been mapped nationally by Natural England. National policy offers specific protect to areas designated as 'ancient woodland' which do not apply to undesignated areas. Therefore, the suggested removal of the words 'ancient' in terms of woodland would not be appropriate and would be inconsistent with national policy. Commercial forestry makes up a large proportion of woodland within Norfolk, and these areas have specific felling plans, in order to produce timber as a crop, and there is the potential for mineral extraction to take place within such areas, and then be restored to improve biodiversity during replanting. Notwithstanding the above, Area of Search E (which includes Shouldham Warren) is not allocated for mineral extraction within the Publication version of the NM&WLP.

As has been stated in response to representation 99488 the mineral resource safeguarding maps, are based on BGS inferred superficial mineral resources and do not consider any land uses.

Respondent: **Sibelco UK Limited** (Lewis Williams) [Person ID: 18360]

Attachments: Proposed Silica Sand Allocations - Appendix B Charity Field supporting info.pdf -

<https://norfolk.oc2.uk/a/svzc>

Proposed Silica Sand Allocations_Appendix C - Button Fen Heritage Appraisal 2017.pdf -

<https://norfolk.oc2.uk/a/svzd>

Proposed Silica Sand Allocations_Appendix C - Marham Agricultural Land Classification and Soil survey.pdf -

<https://norfolk.oc2.uk/a/svzw>

R001 Proposed Silica Sand Allocations_Appendix C - Preliminary Ecology Appraisal 2017.pdf -

<https://norfolk.oc2.uk/a/svzf>

Representation [Rep ID: 99471]: (Objection) Policy MP2 is not legally compliant or sound.

Paragraph 209 of the NPPF states: “It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy, and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

It is notable that Policy MP2 dictates that specific sites for silica sand, “should be located where they are able to access the existing processing plant and railhead at Leziate via conveyor, pipeline or off-public highway haul route.” There is no basis or justification for imposing this restriction as a new mineral site could be a significant distance from the Leziate Plant Site which might mean that the only viable or the most sustainable option to provide a steady and adequate supply of silica sand is to build a new processing plant or warehousing facility. This policy is clearly not an effective approach to meet unmet need and is not consistent with the principles of national policy which set out that minerals can only be worked where they are found.

Furthermore, there is very little basis for the remainder of the spatial strategy, which simply sets out where mineral extraction sites are not acceptable. This ignores that silica sand is a nationally important mineral and that the extraction of this mineral in areas specified within the policy has been found to be acceptable. This very clearly cannot be termed a spatial strategy for silica sand extraction and as drafted is not justified, consistent with national planning policy, effective or positively prepared. It is simply unsound.

Paragraph 23 of the NPPF states: “Broad locations for development should be indicated on a key diagram, and landuse designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or nonstrategic policies).”

Paragraph 210 of the NPPF states: “Planning policies should: a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;...

It follows that the reasoning for removing Areas of Search from the plan is unequivocally flawed. Especially as the site selection criteria used differs from that set out in the policy and effectively implies that the whole of the resource area is an unacceptable location for minerals development. This undermines the strategic and national importance of silica sand whilst also prejudging specific applications which may evidence that a particular location is suitable for mineral extraction.

Fundamentally it does not meet the requirement of Paragraph 210 of the NPPF which states that planning policies should provide for the extraction of mineral resources. Indeed, Paragraph 23 of the NPPF is clear that strategic policies should provide a clear strategy for bringing forward sufficient land to address objectively assessed need. This policy does not do this, but rather attempts to set out a principle that silica sand resources are not located in areas acceptable for extraction. This means that the policy is not positively prepared, justified, effective or consistent with national policy. It is important to note that Norfolk is one of the only areas in England processing sand capable of colourless glass manufacture. This damaging rhetoric and reckless approach to policy making threatens the viability of the nation’s glass industry, using a set of baseless principles that would be liable to legal challenge.

The policy as drafted should be re-evaluated in light of the above-mentioned policies and PPG. Paragraph: 008 Reference ID: 27-008-20140306 of the PPG states: “Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):

1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;
2. Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or
3. Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.

National Park Authorities are not expected to designate Preferred Areas or Areas of Search given their overarching responsibilities for managing National Parks. Furthermore, in exceptional circumstances, such as where a local authority area is largely made up of designated areas such as Areas of Outstanding Natural Beauty, it may be appropriate for mineral planning authorities to rely largely on policies which set out the general conditions against which applications will be assessed. In planning for minerals extraction, mineral planning authorities are expected to co-operate with other authorities.”

The Specific Sites proposed for allocation cover a very small proportion of the overall forecasted need for silica sand. Sibelco strongly disagree with the Council’s assertion in paragraph 13.4 of the Silica Sand Topic Paper that, “there are exceptional circumstances in Norfolk to rely largely on a criteria-based policy.” Norfolk is not made up largely of designated areas such as Areas of Outstanding Natural Beauty. There are a number of areas where silica sand extraction could come forward in both non-designated and designated areas. Nationally important mineral is routinely extracted within Areas of Outstanding Natural Beauty and other designated sites such as Ramsar and SSSI’s where effective mitigation measures can control development. The following evidence should also be considered in the Council’s policy making:

- In his examination of the Norfolk County Council Minerals Site Specific Allocations DPD [Single Issue Silica Sand Review] in 2017 the Inspector found that in order to address a shortfall of 0.68 million tonnes of silica sand, it was appropriate to designate some 946 hectares of Area of Search. On this matter the Inspector concludes, “I am mindful that the Plan has identified 946 hectares of land within the AoS, which I consider provides a suitable level of provision, given the uncertainties involved and the need for some flexibility should the future need for silica sand increase. Overall, I consider that the site selection methodology is sound.”

- In his examination of the Norfolk County Council Minerals Site Specific Allocations DPD [Single Issue Silica Sand Review] in 2017 the Inspector found the site selection methodology sound. The current site selection methodology appears to be the same. It is therefore difficult to understand why the Sustainability Appraisal excludes all of the proposed Areas of Search, especially as these areas were deemed acceptable for inclusion and proposed allocation within the Norfolk Minerals and Waste Local Plan Review Preferred Options. The following observations are made on the summary text in Section 6.3.4 of the Sustainability Appraisal which indicate the reasons why the proposed Areas of Search have been excluded from the Minerals and Waste Plan Pre-submission Document.:

AOS E: The impacts on the setting of heritage assets at Wormegay and on the setting of Pentney Priory was a material consideration for the Inspector when he found the inclusion of this AOS as sound. The AOS was included in the Preferred Options stage with basic heritage assessment evidence informing the designation. Using Heritage as a constraint is not a justifiable reason to remove the AOS given nothing has changed in the evidence base since the AOS designation was considered sound.

o The statutory safeguarding area around RAF Marham was a material consideration for the Inspector when he found the inclusion of this AOS as sound. The Ministry of Defence raised concerns about minerals development in response to the Minerals and Waste Local Plan Initial Consultation but did not object. The Council’s response was to amend Policy MP13 to require a Bird Hazard Management Assessment at planning application stage. The Ministry of Defence provided the same comments in response to the Norfolk Minerals and Waste Local Plan Review Preferred Options Consultation and did not object to the inclusion of the AOS.

Bird strike is not a justifiable reason to remove the AOS. It would be for an individual application and working scheme to mitigate any impacts within the context of these policies.

o The loss of access to public open space was a material consideration for the Inspector when he found the inclusion of this AOS as sound. Mineral extraction is a temporary and progressive operation and there is no reason why public open space cannot be either be maintained or returned upon restoration.

AOS F, AOS I and AOS J:

o The statutory safeguarding area around RAF Marham was a material consideration for the Inspector when he found the inclusion of this AOS as sound. The Ministry of Defence raised concerns about minerals development in response to the Minerals and Waste Local Plan Initial Consultation but did not object. The Council's response was to amend Policy MP13 to require a Bird Hazard Management Assessment at planning application stage. The Ministry of Defence provided the same comments in response to the Norfolk Minerals and Waste Local Plan Review Preferred Options Consultation and did not object to the inclusion of the AOS. Bird strike is not a justifiable reason to remove the AOS.

o The Inspector found the size of this AOS as acceptable and it is therefore not just able to remove on this basis.

It is also noted that a number of superfluous reasons with little planning basis have been used to reject the Areas of Search approach. For instance, landowner willingness is not required by PPG for Preferred Areas or Areas of Search. In addition, in relation to designations such as AONB's, SPA's and SAC, mineral extraction has been found to be acceptable both within and in close proximity to these designations.

In summary there are no sound planning reasons to deviate from the Areas of Search approach. Omitting Areas of Search and introducing a criteria-based approach renders the Plan not positively prepared, justified, effective or consistent with national policy. The Plan is unsound.

We suggest Policy MP2 is re-worded to include Areas of Search and also set out a hierarchy of delivery. to properly set out a spatial strategy for silica sand development.

Suggested change: Proposed Changes [delete: 'Within the resource area identified on the key diagram, specific sites for silica sand should be located where they are able to access the existing processing plant and railhead at Leziate via conveyor, pipeline or off-public highway haul route. This spatial strategy for mineral extraction sites is subject to the proposed development not being located within:

- the Broads Authority Executive Area or the Norfolk Coast Area of Outstanding Natural Beauty, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest, or
- a Site of Special Scientific Interest or a habitats site and which is likely to have an adverse effect on it, or
- ancient woodland, or
- a designated heritage asset, including listed buildings, registered parks and gardens, and scheduled monuments, or their settings if the proposed development would cause substantial harm to or the loss of the heritage asset']

To be replaced with: [insert: 'To help meet the at least 14.54 million tonne silica sand requirement for the Plan period as identified in in Policy MP1, the following hierarchy of resource delivery will apply:

1. first priority: the delivery of specific sites MIN 40 and SIL01 over other proposals; then
2. second priority: the delivery of an Preferred Area; then
3. third priority: an unidentified extension of an existing quarry located within an Area of Search; then
4. fourth priority: an extension to an existing quarry outside an Area of Search or a new quarry located within an Area of Search; then
5. fifth priority: a new quarry outside of an Area of Search.']

We suggest that, based on the revised policy wording above, the following sites are allocated to help meet the identified need.: Specific Site

- Grandcourt Quarry Extension – Charity Fields Preferred Area

- South of A47 Areas of Search
- Roydon
- Ashwicken
- Shouldham (Effectively AOS E with additional land immediately adjacent of the River Nar)
- Sandringham

Sibelco submit the separate document 'Proposed Silica Sand Allocations Norfolk County Council Minerals and Waste Local Plan Publication Document Consultation Supplementary Information Report' which provides an assessment of the above areas justifying their inclusion in the Plan.

NCC Planning Officer response: For the Mineral Planning Authority's response to all the issues raised in this representation, apart from the proposed omission sites, please refer to the response to representation 99296 (Mineral Products Association) which raises the same issues.

Omission sites / areas

Sibelco UK Ltd submitted one omission site, one omission Preferred Area and four omission Areas of Search in response to the Pre-Submission representations period. While none of these have been proposed to the Mineral Planning Authority before this stage of the NM&WLP process, several of them are part of or close to areas that have been proposed for silica sand extraction in the past and found to be unacceptable for allocation.

The omission **area of search at Roydon** (in Roydon and Castle Rising parishes) is adjacent to Roydon Common SSSI, SAC and Ramsar site. Some of the land within the proposed area of search was previously proposed as part of site MIN41 for the original Minerals Site Specific Allocations Plan and was subject to discussion at the hearings of the EIP in 2012. Objections were made by Natural England due to the potential for impacts to Roydon Common SSSI and SAC from potential mineral extraction in proximity to the designated habitat. There was no evidence that the potential for significant effects was not limited by the depth of extraction above the watertable, or by wet working. The Inspector decided that given the Precautionary Principle, the uncertainty of impacts on the hydrochemistry within the catchment from extraction and its potential effects on the designated habitat rendered it unsuitable for allocation. Sibelco has not included any information to address the potential for effects on hydrochemistry within the catchment, and therefore the Precautionary Principle still applies regarding the uncertainty of impacts on the designated habitat, and the omission area is therefore unsuitable for allocation as an Area of Search. Less than half of the area of search is underlain by silica sand on the BGS mineral resources map.

The omission **area of search at Ashwicken** (in Leziate, East Winch and Gayton parishes) is adjacent to a restored silica sand quarry. The proposed area of search contains some land which was previously proposed as part of site MIN39 for the original Minerals Site Specific Allocations Plan (2013) but was withdrawn the day before EIP hearings were due to commence as the landowner had removed their willingness for mineral extraction to take place on that land which meant that the deliverability of extraction could not be relied upon. Only the western edge of the area of search is underlain by silica sand on the BGS mineral resources map, with the majority of the site being underlain by Carstone, although there is the potential for silica sand to be located below the carstone. There is also a national High Pressure gas pipeline running under the proposed area of search which would need to be rerouted before mineral extraction could take place. Therefore, this land was excluded from the areas of search designated by the Mineral Planning Authority in the existing Minerals Site Specific Allocations DPD.

The omission **area of search at Shouldham** (in Shouldham, Shouldham Thorpe, Marham, Wormegay and Pentney parishes), mainly consists of the land submitted to the current NM&WLP process known as SIL 02 and proposed Area of Search E, which were included in the Initial Consultation and Preferred Options consultation. The majority of the proposed area of search is shown as underlain by silica sand in the BGS mineral resources map. The Silica Sand Topic Paper sets out the constraints to AOS E and the reasons for the non-allocation of AOS E in the NM&WLP which also apply to this omission area, including heritage impacts, birdstrike risk, and public access to land at Shouldham Warren. In addition, the northern boundary of the

omission area of search is adjacent to the River Nar SSSI and within a Core River Valley, closer to listed buildings and scheduled monuments and to residential dwellings than AOS E.

The Mineral Planning Authority also commissioned a Heritage Impact Assessment which concluded that the eastern area of SIL 02 and the northern area of AOS E (which would be the eastern area and northern area of this omission area) should not be allocated for extraction because extraction within these areas would be likely to result in substantial harm to designated heritage assets, including Scheduled Monument Pentney Priory. Sibelco submitted a report titled 'Heritage Appraisal' dated August 2017, to the Mineral Planning Authority in December 2022. Sibelco's Heritage Appraisal only covers part of the area proposed as SIL 02, it does not include much of the eastern part of the area, and the study area boundary is 150m away from Pentney Priory Scheduled monument. Therefore, the Heritage Appraisal does not cover the whole of the land within the redline line boundary for the omission area, which is immediately adjacent to the River Nar SSSI, with only the width of the river separating it from the Scheduled Ancient Monument.

Sibelco also submitted a soil resource survey of part of SIL 02 to Norfolk County Council in December 2022. The detailed soil classification shows that the majority of the site contains Best and Most Versatile (BMV) land, with a significant proportion of the site being grades 1 and 2, Grade 3a makes up the majority of the rest. Given that Grade 1 land is a vital national resource, and Grade 2 is scarce nationally, it is offered a level of protection nationally which is reflected in the proposed NM&WLP policy MW5, and the NPPF (footnote 58) 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'. Therefore, it would not be appropriate to allocate grade 1 and 2 agricultural land for silica sand extraction, as it is likely that it would result in the loss of the agricultural land, due to the preponderance of open water in the restoration of such sites.

Of particular importance, the MOD Defence Infrastructure Organisation (DIO) objected to the allocation of SIL02 and raised concerns about AOS E on the grounds of aviation safety due to proposed working methods and restoration likely to result in areas of open water in proximity to RAF Marham which would apply equally to this omission area.

The omission **area of search at Sandringham** (in Sandringham, Fritcham with Appleton, Hillington, and Castle Rising parishes) is entirely within the Norfolk Coast Area of Outstanding Natural Beauty. NPPF paragraph 177 states that in AONBs '...permission should be refused for major development other than in exceptional circumstances...' and NPPF paragraph 211 states that mineral planning authorities should 'as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside...Areas of Outstanding Natural Beauty...'. In addition to its location within the AONB, the omission area is also bisected east to west by a Core River Valley designation which is a protected landscape designation within Norfolk under adopted Minerals and Waste Policy DM2 and its successor policy MP5 in the NM&WLP. Based on previous extraction in Norfolk, it is likely that the restoration of silica sand extraction would be dominated by the creation of open water which would run counter to this longstanding policy stance. According to the BGS mineral resources map the majority of the omission area of search is underlain by silica sand, but only approximately half is underlain by the Leziate Beds (suitable for glass sand). Therefore, the location of the omission area of search is not consistent with national or local policy and this land was excluded from the areas of search designated by the Mineral Planning Authority in the existing Minerals Site Specific Allocations DPD.

The omission '**Preferred Area**' **south of the A47** (in Middleton and East Winch parishes) has a significant number of constraints including a row of residential properties along School Road and a primary school adjacent to the western boundary and Mill Farm and The Stables located within the proposed Preferred Area. There are eight Listed Buildings within 120m of the western boundary and no evidence has been provided of the level of harm to their setting and significance. There is also a national High Pressure gas pipeline running underneath the proposed Preferred Area which would need to be rerouted before mineral extraction could take place. There are also issues relating to the hydrogeology of the surrounding area given its proximity to a landfill site, part of which is unlined, and the potential for dewatering as part of the extraction operations. The BGS mineral resources map shows the proposed area as being underlain by Carstone, therefore any silica sand would be located below the Carstone. Therefore, based on the proposed

boundary and the limited information supplied, the land is not considered suitable to allocate as a Preferred Area. The criteria-based policy would allow for a planning application to come forward which would contain sufficient detail and assessment to determine whether planning permission would be acceptable on part of this area.

The omission specific **site extension to Grandcourt Quarry at Charity Field** (in Middleton parish) is a small field (1.6ha) that is currently surrounded on three sides by existing permitted silica sand extraction. This could be appropriately considered as a planning application through the proposed criteria-based policy. Whilst the information supplied states that the site has a resource of 500,000 tonnes (equivalent to less than one year's worth of the forecast silica sand need), the majority of this additional resource would come from within the existing permitted site due to being able to work up to the edge of the existing permitted site.

The Mineral Planning Authority maintains its view that the criteria-based policy is an appropriate way of planning for the steady and adequate supply of silica sand. The policy allows applications to come forward on land where permission could be granted, accepting that there are significant areas of the silica sand resource where designations of national and international importance are located and national policy and legislation limits development which might adversely impact these areas. The omission Preferred Area and areas of search put forward by Sibelco, are either within or in proximity to such designations and therefore are not appropriate for allocation as they are not in locations where planning permission could be reasonably anticipated or may be granted and therefore, they are not deliverable.

One representation received commenting on Policy MP2:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99311]: (Comment)

In respect of Policy MP2, paragraph 23 of the NPPF states "Broad locations for development should be indicated on a key diagram, and land use designations and allocations identified on a policies map." Can the council please confirm that when referencing "resource areas" within the policy they are actually referring to the "Mineral Safeguarding Areas" on the Key Diagrams as a "reserve area" is noted in the legend for those plans.

NCC Planning Officer response: Where Policy MP2 refers to 'resource areas' these areas are actually shown on the Key Diagram legend and the Policies Map legend as the 'Mineral Safeguarding Areas'. Neither the Policies Map, nor the Key Diagram refer to 'reserve areas'.

One representation received objecting to paragraph MP2.1 of the supporting text to Policy MP2:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99232]: (Objection)

We note that this section includes a list of factors that have been considered in the spatial strategy for minerals. We are very concerned to see that there is still no reference to the historic environment in this regard.

Suggested change: Ensure that historic environment is given due consideration in spatial strategy and (if it has) add reference to the historic environment in this paragraph.

NCC Planning Officer response: As Policy MP2 specifically refers to the location of mineral extraction sites in relation to designated heritage assets, they have been considered in the spatial strategy, including through the sustainability appraisal. We will propose a minor modification to add an additional bullet point to paragraph MP2.1 of the supporting text to include information on the historic environment as follows:

"There are a significant number of both non-designated and designated heritage assets across Norfolk, including more than 430 Scheduled Monuments, more than 10,890 Listed Buildings, 53 registered Parks and Gardens, and 352 Conservation Areas."

One representation received commenting on paragraph MP2.5 of the supporting text to Policy MP2:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99310]: (Comment)

Under paragraph MP2.5, the company would question the definition of a Main Town as this does not appear to list the town of Sheringham which is a clear development centre identified under local policy documents.

NCC Planning Officer response: For North Norfolk the Main Towns listed in Policy MP2 are those defined as 'principal settlements' in the adopted North Norfolk Core Strategy (2008). The 'principal settlements' are Cromer, Fakenham, Holt and North Walsham. Sheringham is a 'secondary settlement' along with Hoveton, Stalham and Wells-next-the-sea and therefore has not been included in Policy MP2. In the emerging North Norfolk Local Plan Publication version (2022) Sheringham is defined as a 'small growth town', whilst other settlements are defined as 'large growth towns'.

One representation received objecting to paragraph MP2.7 of the supporting text to Policy MP2:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99540]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "legal compliance" and of administrative "soundness."

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E. The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood.

Suggested change: 21. Under Policy MP2.7: suggest addition at end of paragraph of, "Open access land, including well-used Forestry Commission land, is also protected.

NCC Planning Officer response: Whilst the representation refers to paragraph MP2.7, this appears to be paragraph MP2.7 of the Preferred Options version of the NM&WLP which has the same text as paragraph MP2.8 of the Publication version of the NM&WLP. The Countryside and Rights of Way Act 2000 (CROW Act), sets out the public right of access to land mapped as 'open country' or registered common land (as mapped by Natural England), but this does not restrict the development of the land, subject to planning approval. Therefore, the proposed change to the paragraph is not required. Area of Search E (land to the north of Shouldham) is not allocated in the Publication version of the NM&WLP.

One representation received objecting to paragraph MP2.11 of the supporting text to Policy MP2:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99539]: (Objection)

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 paragraphs 98 and 99 are quoted.

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.

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2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E. The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood.

Suggested change: 22. Under Policy MP2.11, suggest removal of the word "ancient" from the word "woodland; in concurrence with the decision of Cabinet relayed in the meeting report dated December 10, 2019. A definition of a minimal size of woodland would likely be necessitated, e.g. in MP2.11(b). I suggest it would be appropriate to add the phrase, "and well-used open access Forestry Commission land." for purposes of clarity.

NCC Planning Officer response: Whilst this representation refers to paragraph MP2.11, this appears to be paragraph MP2.11 of the Preferred Options version of the NM&WLP, which is not replicated in the Publication version of the NM&WLP. Ancient woodland is not mentioned in the supporting text to Policy MP2. Policy MP2 refers to ancient woodland because it is an irreplaceable habitat as set out in paragraph 180 of the NPPF (2023). Forestry Commission land usually consists of plantation woodland which is grown as a crop and therefore is replaceable and as such it is not appropriate to change the policy wording of 'ancient woodland' to 'woodland and well-used Forestry Commission land' as suggested.

The concerns raised about impacts on public recreation areas are met by the wording of Policy MW1 'Development Management Criteria' which requires development proposals to demonstrate that they would not have an unacceptable impact on Public Open Space, Local Green Space, the definitive Public Rights of Way Network and outdoor recreation facilities.

Area of Search E (land to the north of Shouldham) is not allocated in the Publication version of the NM&WLP.

Policy MPSS1. Silica sand extraction sites

One representation received supporting Policy MPSS1:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99234]: (Support)

We welcome the criteria based policy approach for Sand and Silica given the many factors that have made it difficult to allocate Areas of Search. We welcome criteria c, d, e and f.

NCC Planning Officer response: Support noted.

Five representations received objecting to Policy MPSS1:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99283]: (Objection)

The Local Plan is unsound because it is not justified given reasonable alternatives.

Whilst we welcome the introduction of the policy and its approach, we would welcome modifications to the policy and supporting text as follows:

We note that the Preferred Option M&WLP policy SIL 02 - land at Shouldham and Marham (silica sand) has been removed from the Publication M&WLP and replaced with new strategic policy MPSS1. We support the inclusion of criterion (f) to require an acceptable Hydrological Impact Assessment to identify any potential impacts to groundwater and appropriate mitigation measures.

Furthermore, we welcome inclusion of criterion (i) in the policy regarding sufficient stand-off distances around any water main that crosses the site or diversion of the water main at the developers' cost and to the satisfaction of Anglian Water. We recommend that the supporting text explains that the developer will need to confirm the stand-off distances with Anglian Water in advance of submitting their application.

Suggested change: We recommend that the supporting text explains that the developer will need to confirm the stand-off distances with Anglian Water in advance of submitting their application.

PROPOSED POLICY MODIFICATION: Anglian Water would also require the standard protected easement widths for the sewers and for any requests for alteration or removal to be conducted in accordance with the Water Industry Act 1991. We therefore recommend that criterion (i) reads as follows: (i) A sufficient stand-off distance around any water main [insert: 'or foul sewer'] that crosses the site or diversion of the water main/[insert: 'sewer'] at the developer's cost and to the satisfaction of Anglian Water;

NCC Planning Officer response: We will propose a modification to the policy wording as suggested by Anglian Water. We do not consider it necessary to amend the supporting text as suggested because requirement (i) states that the stand-off distances must be to the satisfaction of Anglian Water.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99513]: (Objection)

1st Complaint Lack of observance of obligated actions

There is a legal duty (Norfolk Minerals and Waste Local Plan. Infrastructure and Development Select Committee, 28 May, 2022. pp165-212) under section 16 of the Planning and Compulsory Purchase Act, 2004, to prepare and maintain a Minerals and Waste Development Scheme. The scheme must specify the development plan documents (DPDs) that the County Council will produce. their subject matter, geographical area and their timetable for the preparation and revision of the DPDs. The Council is required to periodically review these documents and keep them up to date.

There is also a legal duty under section 18 to prepare a Statement of Community Involvement which "sets out who, how, and when groups and individuals are engaged in this planning process." In addition. the Town and Country Planning (Local Planning) (England) Regulations, 2012 (as amended) also require a Statement of Community Involvement to be reviewed every 5 years.

The process of producing the Minerals and Waste Local Plan must be carried out in accordance with the above legislation, as well as with other relevant planning legislation. The Local Plan is considered a Major Planning Application under the Town and Country Planning (Development Management Procedures) (England) Order, 2015.

The best reviews of this complicated process are perhaps to be found in the documents, (i) Minerals Site Specific Allocations Development Plan Document (DPD) - Single Issue Silica Sand Review: Sustainability Appraisal Report – Nontechnical Summary, (ii) N.C.C. NMWLP Preferred Options, July 2019, and (iii) Minerals and Waste Local Plan, N.C.C. Infrastructure and Development Committee Agenda, pp.165-212, May 25, 2022.

The comments in these pre-submission consultation documents are principally concerned with the silica sand extraction site selection process.

The NMW Local Plan silica sand programme is a complex, multifaceted process that has been specifically designed to establish new sources of silica sand to supply a formal Norfolk obligation to supply approximately 800,000 tons of silica sand per annum for the period 2022-2038. The sand is to be transported to the Sibelco UK Ltd facility in Leziate for processing. This is the first time these specific procedures have been used and therefore the Norfolk Minerals and Waste Local Plan Publication, May 2022, has to be assessed in its entirety - for "soundness" as well as for "legal compliance" regarding both the functionality and integrity of the entire package.

I suggest that the document fails to demonstrate "soundness" for the following reasons

1. The evidentiary foundations fall down at certain crucial points as to their robustness and the dubious credibility of evidence;
2. Problems are being introduced by not asking the appropriate questions that need to be considered, notably with regard to the disregard of certain public interests and the failure to properly account for cumulative mining blight in West Norfolk after several hundred years of sand mining.
3. A final proposal has been introduced at the end of this process, without adequate justification, that appears inconsistent with national policy.

There is questionable "legal compliancy" within crucial aspects of (a) the Statement of Community Involvement, (b) the Silica Sand Safeguarding Procedures, and in (c) the absence of a regional assessment of cumulative impacts. Basic tenets within the National Planning Policy Framework are being overlooked. These will be discussed separately in additional submissions.

In effect, after a 13-year process, the Local Plan involves a manifest failure to identify sources to supply a shortfall of more than 10M tons of silica sand up to 2038. Instead, the Local Plan declares victory, fundamentally changes the rules, and gives responsibilities to Sibelco and landowners to create the necessary blizzard of documentation necessary to document a poorly explained and novel "criteria-based locational policy." with applications to be submitted by the proponents directly to the District Planning Processes, apparently without collaborative involvement. It must be noted that the public are permitted little role in the Planning procedures, and the absence of public consultation in this venue appears to seriously disregard principles of process equity. The District Council Planning processes are being asked to deliberate exclusively on a slew of mineral licensing issues, while, at a minimum, the public interest matters have not been settled and have little standing in this venue.

What constitutionally is a collaborative process between the Mineral Planning Authority and the silica sand applicants, with the presumption of sustainable development, has been turned on its head, owing to the Plan (as conducted) not identifying appropriate sources of silica sand. There is clearly a need to undertake a root and branch analysis to investigate how this process can be adapted to provide equitable solutions and to identify potential silica sand sites within the current regulatory framework. It is a fairly logical assumption that N.C.C. Minerals and Waste may have proposed this solution as they perceive that the District Planning Procedures offer an environment in which they have more effective influence. If correct, this device would be a proposal to undermine democratic safeguards inherent in the regulatory processes. What is required is

a far more rigorous application of the protocols, with sustainability and the presumption of sustainable development, economic, social, and environmental, as guiding lights.

Instead, the can is kicked on down the road straight into the Planning Process. Moreover, there appears to be no consideration given to the strong possibility that the Planning Procedures are ill-suited to deal with the complexity and volume of less-regulated assessments. Might Planning become overstretched and generate increased process appeals to the Minister of State? The Planning Procedures are ill-equipped to deal with issues that should have been identified and managed early in the Plan. Inflexibility and poor governance may result. For example, the Planning Process permits no possibility of public representation when, as currently, this has been severely curtailed over the last five years by the manner in which the Norfolk Statement of Community Involvement has been interpreted - undermining the National Planning Policy Framework. paragraph 16(c) in which "early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees" is urged. Note that communities head the list.

I suggest that such a fundamental change to the Minerals and Waste Development Scheme requires additional representational and public consultation on this consequential procedural change. There would not normally be such an opportunity had the process proceeded along the original direction of the Plan (paragraph 3.1.1.2 of the N.C.C. Statement of Community Involvement, 2022).

Examples of the subject areas that have been poorly considered in the Local Plan to date, and which may therefore become even more problematic in the Planning Procedure venue, include major deficiencies in considering the legitimate, site-specific public land usage interests. The Norfolk Core Strategy and Minerals and Waste Development Policies DPD, 2011, for example, fails to consider that the public could ever be a legitimate land-usage stakeholder. In fact, this public interest issue is not mentioned in any silica sand document from the inception of this process in 2010 until the 2022 final NMWLP document. Other potentially troublesome issues include: inequities in the silica sand safeguarding procedures; the failure to update and assess historical public rights of way in contravention of responsibilities under the Wildlife and Countryside Act, 1981; the failure to consider climate change regulations and procedures in proposals that involve the destruction of woodland; and with regard to the urgent national and county requirements for reforestation. On a process matter, it has become clear that uncomfortable truths are being suppressed in the N.C.C. process and that there is a systematic problem in a frequent failure to answer the submitted representations, even to the abbreviated selected comments. These issues, as they affect the silica sand site selection process, will be described in separate submissions.

How this undertaking required of Sibelco or by individual land owners to replace the coordinating role of the surveying authority and assemble the considerable cases required to make a planning application on their own - for each candidate site - is not explained. The additional cost implications are unassessed. The process deficits are unexamined, and the process integrity is untested. Furthermore, how this approach is to be integrated into the Minerals and Waste silica sand Local Plans going forward is not developed. The process failure in avoiding the collaborative role to fully investigate and promote silica sand sites, placing the sole responsibility on the proponent corporations or individuals is contrary to the duty to cooperate.

The National Planning Policy Framework (NPPF) states that Local Plan planning process should be "collaborative" and "positively prepared with the lead from planning authorities, "including working proactively with applicants to secure developments that will improve the economic, social, and environmental conditions." I submit that this new structure of so called, "criteria-based policy (as if the NPPF-based policy constructed between 2010 and 2022 was not!) is contrary to provisions of the National Planning Policy Framework. The National Planning Practice Guidance/ Minerals Specific Policy MP2.10 states that mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways, in order of priority: designating specific sites liable to be acceptable in planning terms; designating preferred areas in areas with known mineral resources within which planning permission might be reasonably anticipated; and designating areas of search where details are less certain. N.C.C. has fallen back on an unnecessary device to help solve a problem, which to some extent is of their own making, and

which is less likely to provide sound decisions as the statutory-based Plan. The Minerals Planning Guidance document, 2014 (page 7) states, "Designating Specific Sites in minerals plans provides the necessary certainty on when and where development may take place. The better the quality of data available to mineral planning authorities, the better the prospect of a site being designated as a Specific Site." Perhaps the implications behind this statement have been overlooked.

Silica Sand is a mineral of national importance. The Norfolk distribution of silica sand is located in an approximately linear north-to-south band between Heacham and Methwold and extending to within 1-2 miles of Kings Lynn. It is no more than a few miles wide at its greatest width. After a 12-year Plan-led process starting in 2010, only 4 million tons of silica sand of permitted reserves have been identified from an Initial Options sequence between 2015 and 2019, and a Preferred Options sequence from 2019-2022. There remains a deficit of approximately 10 million tons for the period to 2038. The Norfolk Minerals Site Specific Allocations DPD was found to be legally compliant in 2017, yet only one new silica sand site has been identified in the interim. This is a complex process and reviews of specific factors must be the foundation of any valid proposals to revise NMWLP (2022) protocols.

It is a matter of concern that Minerals and Waste have concluded in the Norfolk Minerals and Waste Local Plan (NMWLP) that "there are no (available) specific sites or preferred areas suitable to allocate for silica sand extraction." primarily due to the 13 km-radius bird strike safety zone around RAF Marham; RAF Lakenheath; and RAF Mildenhall: the North Coast AONB; the impact risk zone for the Wash SSSI; the hydrogeological catchment around Roydon Common SSSI and Dersingham Bog SSSI (recently supported by 1.5 km buffer zone); and designated open access areas at Shouldham Warren and East Bilney Wood. It is relevant to note that the selection criteria adopted (NMWLP Single-issue Sand Review, 2017, p. 3-4) abandoned sites that involved almost any of the major statutory constraints. This is possibly a logical conclusion given the processes stipulated in the NMWLP, 2022, notably the fact that almost all the proposed AOS were within the RAF Marham bird-strike safeguarding radius.

The NMWLP 2022 asserts that virtually the entire cohort of sites allocated in the Preferred Options silica sand site selection process are thereby cancelled. They allege, without specific evidence, that this failure was because of because of alleged inherent defects in the area of search methodology (NMWLP 2022, policy MP 2.10) recommended by the National Planning Policy Framework. This decision is just stated, and there is no attempt made by N.C.C. to explain their judgement, other than acknowledging that their process has failed! The NMWLP 2022 implies that it is impossible to identify silica sand AOS under the RAF Marham bird-strike safeguarded area or within the North Norfolk Coast AONB. The failure may be in not collaboratively selecting potential mining sites, as recommended by the NPPF, 2012. It should be recognized that a significant part of the North Park Quarry and the Preferred Area allocated as an extension to the existing quarry, all lie within the Surrey Hills AONB.

There is a remarkable absence of clarity and accountability in this decision, and which is eminently inappropriate. The MHA selected the sites, their size and boundaries, often mistakenly selected very large AOS (up to 1,014 hectares in size) which are then compounded by a number of cautionary factors. N.C.C. also have a contradictory policy (MPSS1.m, page 77, NMWLP, 2022) of requesting sites within easy reach of the Leziat processing factory, by pipeline, conveyer, or internal haul route, and avoiding the public road system where possible. This naturally has the consequence of concentrating proposals in areas already badly scarred from ancient and active mining sites in areas close to the River Nar medieval monastic landscape, to the River Nar core valley and SSSI, and within the RAF Marham bird-strike restriction zone. Much of the silica sand safeguarded area therefore 'appears' underinvestigated.

A special exemption can be applied for in confounded areas under exceptional circumstances, involving careful site selection among other factors. Under these specific circumstances, the normal expectation would be that various safeguarding assessments and the mitigation of impacts would be obligated, and which can sometimes provide sufficient mitigation support for a successful application. The unknown variables here are in identifying just what is "acceptable mitigation." as the NMWLP documentation leaves these details to the district planning procedures, with little quantitative guidance provided. More

contentiously, N.C.C. also abandon three other AOS (AOS F. I. & J) comprising 61 hectares, 47 hectares, and 23 hectares, respectively. They were cancelled with the sole explanation that "they would be too fragmentary to form an appropriately sized area within which to find a potentially viable silica sand extraction site." It is not explained why this was not foreseen. No assessments of potential yield have been forthcoming, so that the factors in these decisions are difficult to judge.

It is not clear whether it is being claimed that all sites within the entire silica sand safeguarded area present too great a difficulty to support Areas of Search as a feasible method of delivering silica sand sites, or whether this statement should be limited to the Leziate Beds, the historical preferred site of Sibelco UK, the owner of the Leziate processing factory. The Plan does little to amplify the implications of these statements, other than that to propose an unproven ploy (in this context). replacing the NPPF-guided process with direct applications through the district planning process accompanied with at least 18 dedicated assessments, statements, or plans, as specified by statute (described above). There are no explanations and justification for this untested proposition other than the failure (with a single exception, MIN 40 at East Winch) of N.C.C. over at least 12 years to identify silica sand extraction sites away from Mintlyn.

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 MHA have been deliberately suppressed.

(1). A root and branch analysis might start here, as all these confounders were established well before 2013 and should by rights have been largely predictable, if this is a full statement of the facts. Instead. a "criteria-based policy" is introduced, avoiding further rounds of "consultations": and in conflict with the guidances of the National Planning Policy Framework - by replacing the collaborative Plan-led process, so laboriously assembled, with direct, unaided, specific applications to the district Planning Procedures by the silica sand mining companies and/or landowners - as described in the first segment. It is pertinent that there has been no discussion as to whether this novel approach offers any benefits with regard to the former collaborative structure and no trial event. Indeed, N.C.C. offered considerable expertise to the conventional Plan-led process that would now 'seem' to be less available to the crucial site selection process. N.C.C. Minerals and Waste apparently propose to step back somewhat from their application support responsibilities in the Norfolk silica sand Local Plan. How this proposal is supposed to work in future cycles is not codified.

The Local Plan spatial strategy documents emphasise the first statement contained in the National Planning Policy Framework paragraph 210(f), but entirely disregard its second undertaking. Paragraph 210(f) reads, "planning policies should set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality". This is given additional weight by NPPF paragraph 211(b) which states, "In consideration of proposals for mineral extraction, planning authorities should ensure that there are no unacceptable adverse effects on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or a number of sites in a locality." In a condensed area that has been subject to sand and gravel mining for several hundred years, and to silica sand mining for 150 years, this is a cogent consideration for parts of West Norfolk. However, accumulated blight gains no mention in any of the cumulative silica sand documents, nor in the final Local Plan; these discuss solely the local simultaneous intrusion of active mining sites. It is also omitted from the Local Plan silica sand Minerals Specific Policies. Land use in West Norfolk over time has been subject to multiple other governmental intrusions. This is an unidentified regulatory issue and will be explored in a separate submission.

(2). Insights may be gained from the consideration of the allotted sites and from the proposed sites that failed examination, although it must be realized that many individual factors may be amenable to mitigation. The two allotted sites in the NMWLP are SIL 01 at Mintlyn South, Bawsey, with a reserve of 1.1 M tons, and MIN 40, Land East of Grandcourt Farm, East Winch, containing 3 M tons of silica sand. Both are extensions of existing Sibelco sites and are within the RAF Marham bird strike area, and mitigation measures will be required. SIL 01 is 700 metres from the Leziate processing plant and the mineral will be transferred by conveyor. MIN 40 is 1.8km from the Leziate plant and transportation will involve an established internal haul route.

The historic SIL 01 landscape character is of heritage mineral working. Other particular considerations for the SIL 01 were for adjacent listed buildings, scheduled monuments, two County wildlife sites, hydrogeological concerns, and restraints on dewatering owing to Gaywood River and Middleton Drain catchments. Restoration of SIL 01 was proposed primarily to a lake with wildlife habitat (acid grassland/heath/ inland dune) woodland, and scrub - with recreational opportunities.

MIN 40 is proposed on grade 4 farmland at the western boundary of East Winch village with numerous sensitive receptors within 250 metres, the closest at 84 m, and the nearest listed building only 50m away, across the A-47! Mitigation will be required with sightline bunding and screening, for potential impacts on the East Winch Common SSSI and two adjacent County wildlife site, restitution of a restricted byway, and protection for the Mintlyn Stream, a Water Framework Directive Body, which is crossed by the haul route. Restoration of MIN 40 is proposed primarily to a lake, with wildlife habitat (acid grassland/heath/inland dune).

AOS A covered 328 hectares located in a flat, agricultural drained coastal marsh in western Ingoldisthorpe, Snettisham, and Dersingham, located to the east of an area of previous mineral workings which is now part of a bird reserve, and south of Snettisham Common which contains a previous silica sand pit. The three villages were all 250 metres from the site, which was 20 km from the Leziate Plant by road. The most significant potential problems were with the Wash Ramsar and Wash SAC habitat regulations and with three adjacent county wildlife sites. Another significant concern was the River Ingol which, as a Water Framework Directive waterbody, crossed the site and would require assessments for potential impacts and appropriate mitigation. The area contained priority geomorphological features and potential impacts to geodiversity. Over half the site was within the Tidal hazard extent. The local Councils were concerned over difficulties of screening and the potential impacts on tourism. The AOS was withdrawn.

AOS D Land in the vicinity of West Bilney Wood, comprising 109 hectares. Roughly half is Forestry Commission woodland in West Bilney Woods which is open access land, a significant impediment. Much of the rest is grade 3 agricultural land, with fen and open inland marshes in the south. There are adjacent old and current silica sand workings and a sand and gravel allocation. The site is within East Winch and Pentney, and 9km from the Leziate processing plant by road. The site is within the River Nar valley concentration of medieval religious institutions and so there are important archaeological concerns. Pentney Abbey is 400 metres from its southern boundary. There is a County Wildlife site within the AOS, and two others close by. The River Nar SSSI and East Winch Common SSI would be vulnerable to water level changes, as would the County Drain, a Water Framework Directive waterbody, running through the site. It is also within the bird-strike radius of RAF Marham. The previously unrecognised open access land in West Bilney wood and its recreational importance appears to have played an important role in the abandonment of AOS D in the initial consultation.

SIL 02 Land in Shouldham and Marham was established as a Preferred Area with an estimated resource of 16M tons. The site lay just off the NW corner of RAF Marham. As a lake was to be the resultant landform, there was anxiety from the Defence Infrastructure Organisation over a potentially enhanced birdstrike risk. This was the primary cause of its 2016 withdrawal. If a full SIL 02 analysis exists in the cumulative documents, I am unable to find it. Other significant issues were the potential hydrogeological risks to the River Nar, the River Nar SSSI, a water Framework Directive watercourse, and the high exposures of the Pentney Priory Gatehouse and associated protected buildings and also the motte and bailey Wormegay

Castle and several Wormegay conservation area buildings. An Historical Environment Impact Assessment report for designated heritage assets for both SIL 02 and AOS E was published in April 2019.

AOS E, Land to the north of Shouldham, was an allotted site in the initial consultation phase. With the demise of SIL 02, a large section of SIL 02 was added onto AOS E to form a revised AOS E. The total area of AOS E was increased from 815 hectares to 1,014 hectares in size! AOS of colossal size are very troublesome and should be specifically proscribed as one consent can more easily lead to several. and the larger the AOS, the more contentious the regulatory issues may become In the NMWLP document, Main Modifications and Additional Modifications, July 2017, p.16. it states, "AOS E is significantly larger than the area of extraction to meet the silica sand shortfall to the end of the Plan period." i.e. x 25! It continues, "therefore, a number of alternative extraction locations are likely within the area of search..." This is not "taking each application on its merit," but would almost certainly have guaranteed a continuing and repetitive destructive cycle over this unique and sensitive site, an artifice to create a long-term hegemony. There is no reason why large AOS cannot be reduced to a number of component parts. AOS E did not survive the rather secretive post-Preferred Options Consultation (Autumn 2019) sequence, apparently quoting the adjacency of RAF Marham, the then new N.C.C. policy on the climatic importance of woodland, and its open access status.

AOS E therefore shared many of the features of SIL 02. Moving the site one mile further to the west did not significantly alter the risks of bird strike at RAF Marham. Indeed. The final AOS E was 2.6 times larger in size than the SIL 02 site had been. It lies adjacent to areas of previous and current mineral workings and close to a sand and gravel allocation between the villages of Marham. Shouldham. Wormegay and Shouldham Thorpe. It contains almost the entire 372-hectare-site of Shouldham Warren, a Forestry Commission mixed forest that is managed together with the adjacent West Bilney Woods plantation, and which provides a unique, combined wildlife habitat for the region. The remainder of AOS E is mainly grade 3 and 4 agricultural land with an inland fen County Wildlife site and adjacent to two other County sites. There are numerous protected, rare, or declining species on AOS E, including Nightjar Woodlark, and Stone Curlew.

The Warren is a transitional landscape at the fen edge and provides variable terrain and landscape and has been used recreationally as an open access site for two to three generations by tens of thousands of people per annum, both local and regional, with a large variety of pursuits. It is the gem of rural West Norfolk recreation. These facts are well known to N.C.C. yet throughout the 13-year process of preparing the NMWLP, 2022. N.C.C failed to mention this public land-use issues in any of its cumulative documents and was only mentioned, in passing as an open access area, for the first time in the final Local Plan document. Additional evidence shows this to be a deliberate avoidance of the public interests and not an oversight (see below)

AOS E lies within the medieval monastic landscape close to Pentney Priory, Shouldham Priory, Marham Abbey, five listed buildings. several monuments within 300m, and Wormegay motte and bailey castle is in clear view. AOS E lies within the Core River Valley of the River Nar and is close to the River Nar SSSI (N.C.C claim in the Statement of Consultation, May 2022, page 211 that AOS E is not in the Core River Valley, but the map on p.99 of the NMWLP Local Maps document, December 2017 appears to show that the entire area is part of the River Nar core valley. The River Nar hydrogeology and multiple Water Framework Directive water courses would require careful management. The primary reasons for the withdrawal of AOS E are believed to be a combination of its closeness to RAF Marham and the forested nature of much of the site. The systematic public land usage preceded the 2006 formulation of mineral safeguarding - by two or three generations. The purpose of mineral safeguarding is to protect mineral sites from other planning consents. But Shouldham Warren had had extensive public open access land use for very many years already, and was already prioritised. This had been recognized by not being included in the safeguarding map, although this fact never appeared in the Plan cumulative documents. The current N.C.C. proposal for direct applications to the Planning Process could presumably permit reapplications or modified applications to involve Shouldham Warren without the ability to provide a systematic public response. One fact that is yet to be properly considered was the proposal to pipe 800,000 to 900,000 tons of silica sand per annum from SIL 02 the 15 km to Leziate; this would presumably have involved huge volumes of water, but where would this water have come from?

AOS F, Land to the North of Stow Bardolph. The allocation consists of two parcels of land of approximately 31 and 30 hectares, respectively within the parishes of Runcton Holme and Stow Bardolph on either side of the A-10. The individual sites are 400m south of South Runcton and 250m north of Stow Bardolph, in the wider setting of parkland and estates related to Stow Hall (now demolished) and Wallingford Hall. Transportation to the Leziate Plant, 17 km away, would be by road. The main conflicting factors appeared manageable. There were two County wildlife sites close by, including a series of mesotrophic lakes, as well as three hydrological catchments within 500-1,000 m that could be vulnerable to changes in the watertable from extraction below this level and/or dewatering: this would necessitate a hydrogeological assessment and potential mitigation. The AOS was cancelled, with an explanation given that the sites were not of sufficient size. but this may possibly be referent to the resource size. It is not clear.

AOS I, Land to the East of South Runcton. The AOS covers 47 hectares of settled grade 3 farmland and plantations just to the north of AOS F, lying between the A10 and A134. It is 16 km from the Leziate plant and mineral transfer would likely be by road. Heritage buildings would require a Heritage Statement and a mitigation plan. Screening of open views of the site would also be necessary. A hydrogeological risk assessment and mitigation would be required for extraction below the water table and/or dewatering. A single County Wildlife Site is over 600 m distant. Again, the technical reasons behind the deselection of AOS I appear not to have been revealed in the Plan documents. No size of the resource has been published.

AOS.J, Land to the east of Tottenhill, covers 23 acres of grade 4 agricultural land between the A10 and A134, close to the western boundary of AOS E. Tottenhill village lies 300m to the west. The site lies 15 km by road from the Leziate factory. There is a grade 1-listed church within 325m, and the site is 1.2km from Wormegay motte and bailey castle and 1.6m from Wormegay Priory Scheduled Monument. An archaeological plan would be required. Two County wildlife sites are within 300m of the site. No clear potentially unmitigatable factors are reported, and the deselection of AOS J is essentially unexplained. No size of the resource has been published

It is important to assess the background of this Single-issue Silica Sand Site-specific Allocations Process. N.C.C published cabinet reports reveal that the sole confirmed silica sand sites in the period 2010 and 2022 were SIL 01 and MIN 40, that were first allocated around 20015/16. MIN 39 in Ashwicken was also selected only for landowner consent to be withdrawn. It is difficult to view the process as 'sound' or "effective" None of the seven sites proposed during the present Site-specific Allocations programme have made it through the Plan-led selection.

An explanatory statement is made in the NMWLP Publication, May 2022, p.76. paragraphs MPSS1.1 and MPSS1.2.

In a June 14, 2013 Report to Cabinet Member For Decision, we read, "No replacement sites for silica sand extraction are proposed to be allocated because none of the alternative sites or areas of research proposed are considered to be appropriate to allocate due to their proximity to Roydon Common SSSI and, in line with the precautionary principle, they cannot be allocated." At this time, sites in East Winch. Ashwicken. and Roydon were being evaluated. Bird strike risks. particularly at RAF Marham. the environmental impact, and major amenity concerns also may be difficult to ameliorate. However, there is a hierarchy of statutorily-defined factors involved in the decision-making over silica sand site selection, and many are capable of being satisfactorily mitigated on a case-by-case basis. Ultimately, Sibelco UK or other mineral operatives must be convinced that they have an economic case to proceed, given the (alleged) national statutory undertaking to provide the bulk of their local needs.

It is clear from data in released cabinet papers, that Sibelco UK are largely concerned with production as there are no AOS that they do not support. The preoccupation in the single-issue search from 2016 on SIL 02 and AOS-E close to RAF Marham (NMWLP Development Management Policy 7) was always likely to be problematic as most of the fully refined options were from the same basket. There has been concern at cabinet level (June 14, 2013) that the long-term extraction site shortfall should not lead to the presumption in favour of sustainable development taking precedence over the Local Plan assessment. There is now concern that the proposed bypassing of the established procedures by directly referring these judgements to

the District Planning Processes, where the opportunity for public contribution is curtailed, and where perhaps the County authorities hold more sway, is clearly poor policy.

Suggested change:

(3). I can only look at the silica sand procedures for the selection of extraction sites from an external perspective. The sight of a process that for at least a decade has continued to adopt an unsuccessful procedure while expecting different results is discouraging. Given the 'fixed' mineral requirement from an area already ravaged by governmental obligations, the possibility of expedient governance becomes more problematic. I propose the need for an independent consultation to devise a more coherent procedural structure, consonant with NPPF paragraph 121, which adjures local planning authorities to bring forward land suitable for development. The more issues that can be resolved at the pre-application stage (NPPF, paragraph 41) the better, and perhaps this can more closely engage Sibelco UK. The public interests need to be involved at an early stage, probably by local public meetings (including NIMBYs); the public are not statutory consultees in the Local Plan Review and are inadequately represented in this Local Plan process. Early proactive landowner discussions and the early estimation of the proposed silica sand resource should be enabled as they are also basic factors in the decision-making. The larger the individual areas of search, the more likely that impediments will be found. The recent historical evidence suggests that the silica sand site selection process is not currently fit for purpose. Decisions on applications should be made as quickly as possible (NPPF, paragraph 47).

(4). A crucial factor in the West Norfolk and northern Brecks landscape that is being largely ignored is the very high level of landscape scarring associated with old sand mining, and by current inactive sites and active extraction sites. The Local Plan only considers the latter. It is 'unsound' to disregard facts of local topography. I am not aware that this feature has yet been mapped. I suggest that a custom map of the extent of all current, recent and historical mining sites in the silica sand extraction region is needed, with some urgency, to allow informed judgements of site suitability. As an example, a resident of East Winch recently told me that her community felt that it was almost surrounded by old or current mining sites - MIN 40 is proposed right up to the village boundary, and one local post-mining lake had recently been proposed as a private holiday homes development. In Beetley, a sand and gravel site, in contiguity with prior mining sites, is being proposed on a site that is also at the village boundary and interposes somewhat between the two component residential areas of Old Beetley and Beetley village. The Local Plan encourages the use of the site which is adjacent to an active quarry site. The contiguity is undoubtedly an attractive economic and mineral quality option, but the effect of several hundred years of old mining sites also requires consideration on a local and regional level. As the Minerals Planning Guidance, 2014, states, "the suitability of each proposed site, whether an extension to an existing site, must be considered on its individual merits, taking into account issues such as: need for the specific material, economic considerations...; positive and negative environmental impacts... and the cumulative impacts of proposals in the area." Almost all the recent crop of candidate sites were closely related to old or current mining sites.

(6). The recent history of silica sand extraction applications shows a marked tendency for sites as close as possible to the Sibelco UK Leziate processing plant, inadvertently selecting for local blight. It appears that Sibelco is driving this process without a great deal of advice from the County Minerals authority. It is apparent that some sites, such as AOS A, SIL02, and AOS E always had considerable headwinds, yet they were the main sites proposed by the MPA in the last few years. Appreciable efforts had to be made by the public and by several of the nominated consultees to address the SSSI, AONB, environmental and hydrogeological risks, the bird-strike risk close to RAF Marham, and of Shouldham Warren being the rural recreational jewel of West Norfolk. This considerable cumulative effort was in effect only necessary because of programmatic shortfalls. If the statement is true that "areas of search are no longer considered to be a deliverable method to use to plan for future provision in Norfolk" as stated in the May 25, 2022 presentation to the N.C.C. Infrastructure and Development Select Committee, then I respectfully suggest that Minerals and Waste at least owe the process a comprehensive explanation of their thinking and its implications. The NMW Local Plan, 2022, document does not amplify this statement. Is it that proposed AOS are too large to work in this locality, and that the emphasis should be readdressed to identifying Specific Sites, as defined by

National Planning Guidance MP 2.10 – which will require much more investigative preparation and delayed applications by Sibelco UK? This does not justify the ill-judged bypassing of the public accountability processes in the National Plan. If site selection is as difficult as claimed, is the current Norfolk silica sand excavation requirement still logical, or should it be reduced, and by how much? Has the full extent of the available silica sand reserve actually been comprehensively evaluated? Indeed, might the present putative impasse be the result of planning to keep sites close to the Leziat processing plant? There does need to be discussion as to whether exceptional circumstances can overcome the major restrictive parameters. and under what local circumstances, if any? The national mineral guidelines (NPPF paragraphs 199 to 208 may be difficult to apply. However, paragraph 207 does state, "not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance... (the site) should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage site as a whole."

(7). And finally, what are the reasons, compromises, and the disadvantages of invoking the bypassing of a significant part of the Local Plan, by short-cutting the process, leaving all deliberations with the Planning Process when constitutional problems may still remain, including deficits in public accountability? I suggest that this very late procedural change undermines the democratic process. I maintain this is an "unsound" development and is not "legally compliant."

(8). The archaeological and hydrogeological assessments are perhaps ripe for more definitive scientific application.

NCC Planning Officer response:

Please refer to the response to representation 99527 which include issues about public land usage interests and public rights of way.

Please refer to the response to representation 99488 regarding silica sand safeguarding areas.

Please refer to the response to representation 99479 regarding climate change and forestry.

All representations submitted at the Initial Consultation and Preferred Options stages have been published online on the NM&WLP e-consultation system. A Statement of Consultation was published at the Regulation 19 stage which contained a summary of the main issues raised at these stages and our response to those issues. Please also refer to the response to representations 99514, 99528, 99529 and 99530 regarding the Statement of Consultation.

Please refer to the Silica Sand Topic Paper for detail on the process used to define potential areas of search and the reasons why a criteria-based policy has been used instead.

There are a number of incorrect statements in this representation that are dealt with below:

- The Local Plan is not a planning application, it is a local plan. Therefore, the Town and Country Planning (Development Management Procedure) (England) Order 2015 does not apply to the Local Plan.
- The NM&WLP process began in 2017, seven years ago (not 13 years ago as stated in the representation).
- The responsibility for and cost of submitting a suitable planning application for mineral extraction remains with the developer. This is not an untested process, it is the normal process for submitting a planning application and has not been changed by Policy MPSS1. It is not contrary to the Duty to Cooperate.
- AOS A and AOS D were not considered in the NM&WLP process. AOS A and AOS D were potential areas of search considered within the previous Single Issue Silica Sand Review which was adopted in 2017 and did not include AOS A or AOS D.
- Proposed site/area SIL 02 was subject to site assessment and sustainability appraisal. SIL 02 was proposed as a potential silica sand extraction site/area by Sibelco UK Ltd in response to the 2017 'call for sites'; it was not proposed by the Mineral Planning Authority.

- The area of land within AOS E did not increase when SIL 02 was concluded unsuitable to allocate at the Preferred Options stage in 2019, it remained at 815 hectares. However, neither AOS E nor SIL 02 are allocated in the Publication version of the NM&WLP.
- The representation states that at earlier stages in the NM&WLP process it was not mentioned that Shouldham Warren was an open access area. The Preferred Options stage of the NM&WLP states in paragraph E.8, for AOS E that “Within the AoS Shouldham Warren is a significant woodland plantation managed by the Forestry Commission as a commercial forestry operation and the landowner allows the Forestry Commission to permit access throughout Shouldham Warren. The Warren is crossed by a number of PRowS and has some picnic areas within it.”

The policies within the Publication version of the NM&WLP and the NM&WLP process are compliant with the Statement of Community Involvement, assessment of cumulative impacts and the NPPF requirements to safeguard mineral resources.

The NM&WLP has been unable to allocate sufficient specific sites to meet the forecast need for silica sand in the period to 2038 because insufficient suitable sites were proposed by landowners or the minerals industry to Norfolk County Council in response to the ‘call for sites’. The reasons for not allocating the defined areas of search in the Publication version of the NM&WLP are set out in paragraphs MPSS1.1 to MPSS1.3 of the NM&WLP and also in the Silica Sand Topic Paper.

Two specific sites are allocated for silica sand extraction within the Publication version of the NM&WLP. Both of these sites have been granted planning permission. No other suitable sites for silica sand extraction were proposed by mineral operators or landowners during the NM&WLP process.

The responsibility for submitting a suitable planning application for silica sand extraction remains with the developer of the site; this has not been changed by Policy MPSS1. Planning applications for silica sand extraction would continue to be submitted to Norfolk County Council as the Mineral Planning Authority, they would not be submitted to the district council; this has not been changed by Policy MPSS1. The public are consultees in the process of determining planning applications. The process of determining planning applications is set out in legislation. The involvement of the public is set out in Norfolk County Council’s Statement of Community Involvement. The planning application process does not ‘undermine democratic safeguards’. The purpose of the planning system is to contribute to the achievement of sustainable development, both through the Local Plan policies and the determination of planning applications.

The planning procedures and Norfolk County Council as the Mineral Planning Authority are well-suited to deal with determining planning applications for mineral extraction as this is the role of the County Planning Authority which determines applications for mineral extraction every year. The assessments at the planning application stage are not ‘less regulated’ than the local plan process. The involvement of the public in the NM&WLP has not been severely curtailed. There have been two consultation stages and this Pre-Submission representations period. 856 respondents (and two petitions) made 1521 representations at the Initial Consultation stage in 2018, 3525 respondents (and one petition) made 5684 representations at the Preferred Options stage in 2019 and 80 respondents made 403 representations at the Regulation 19/20 Publication stage in 2022.

The change in approach from allocating areas of search to using a criteria-based policy has been subject to a formal representations period which this representation has been submitted in response to. As well as all specific and general consultees (which includes all Parish and Town councils in Norfolk and Norfolk’s district and borough Councils), all addresses within 250m of all the proposed mineral extraction sites and areas of search were notified of the representations period as well as everyone who had responded to an earlier consultation stage on the NM&WLP. Therefore, everyone had an opportunity to submit representations about policy MPSS1 if they wished to.

Paragraph 177 of the NPPF (2023) states that permission should be refused for major development within the AONB other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Paragraph 211 of the NPPF states that in considering proposals for mineral extraction, MPAs should as far as is practical, provide for the maintenance of landbanks of non-energy

minerals from outside Areas of Outstanding Natural Beauty. Therefore, the Norfolk Coast AONB was excluded from potential areas of search.

The process used to define potential areas of search is set out in the Silica Sand Topic Paper. The starting point was the whole of the silica sand Leziate Beds resource. The size of the potential Areas of Search depended on the area of the resource that was remaining once the listed constraints (such as land within 250m of a residential property) had been removed. The requirement in policy MP2 for specific sites to be able to access the existing processing plant by conveyor, pipeline, or off-road haul route is due to the high number of HGV movements that would otherwise be required to transport 750,000 tpa of silica sand from an extraction site to the processing plant.

The mineral resource within AOS F, AOS I and AOS J is not known because they are areas of search and no borehole testing has been carried out by mineral operators or landowners for these areas. There have been no other objections to the decision to not allocate AOS F, I and J from the NM&WLP. The reasons are set out in the Silica Sand Topic Paper. AOS F has not been allocated because it consists of two parcels of land of only 21 and 30 hectares in size, and it is estimated that a site of at least 45 hectares would be required to meet the projected silica sand shortfall. AOS I is only 47 hectares in size and AOS J is only 23 hectares in size. These are too small to provide an area within which to search for a suitable site, they are only at most the size of the site required or smaller, therefore it is considered unlikely that these areas provide any greater certainty for development than any other part of the silica sand resource.

Mineral operators submitting planning applications to the County Planning Authority is not a novel approach. Allocating sufficient specific sites or preferred areas is reliant on sufficient suitable sites being submitted for consideration by mineral operators and/or landowners which has not happened during the NM&WLP process. It is the absence of these sites being proposed at the NM&WLP stage that led to NCC defined areas of search in the current Minerals Site Specific Allocations DPD, but when they were reviewed for the NM&WLP additional issues were raised about the deliverability of silica sand extraction sites within the areas of search, as set out in the Silica Sand Topic Paper. Therefore, we have included a criteria-based policy in the plan to enable planning applications for silica sand extraction on unallocated sites to be determined.

Cumulative impacts from mineral extraction are included in the NM&WLP through policy MW1 'Development Management Criteria', Policy MP8 'cumulative impacts and phasing of workings'. The Sustainability Appraisal of the NM&WLP includes an assessment of cumulative impacts. Minerals can only be extracted where they are found and the silica sand resource is located in a limited area of Norfolk; with the area of the silica sand resource which is suitable for glass making even more limited within it.

We believe that the document being referred to as the 'Local Maps' (Dec 2017) is the NMWDF Revised Policies Map (December 2017) published following the adoption of the amendments from the conclusion of the Single Issue Silica Sand Review. On page 99 of the Revised Policies Map is Inset 17, which is the area immediately surrounding adopted AOS E. The boundary of AOS E was specifically drawn to exclude the River Nar Core River Valley from AOS E, and the respondent is incorrect in his assertion that the whole of AOS E is within the Core River Valley because none of the adopted Areas of Search contain designated Core River Valleys. Areas excluded from the Mineral Safeguarding Area for silica sand (such as an area of land at the highest point of Shouldham Warren) are due to the BGS inferred resource map of the superficial geology not showing a silica sand resource in these locations (due to the silica sand being overlain by Carstone). The Mineral Safeguarding Map is only based on geology and not on any landuse or other designation. No information was provided by Sibelco UK Ltd about the potential pipeline from SIL 02 to the processing plant at Leziate.

Allocated specific sites SIL 01 and MIN 40 have received planning permission for silica sand extraction. It is assumed that the 'seven sites' referred to in the representation are the seven areas of search originally considered at earlier stages of the Single Issue Silica Sand Review (a separate process to the current NM&WLP) which concluded in 2017. The adopted Silica Sand Review allocated four areas of search and the NM&WLP only considered those areas of search at earlier stages of the NM&WLP process, along with proposed area SIL 02 which was submitted by Sibelco UK Ltd. No planning applications have been submitted

to date for any land within the areas of search allocated in the adopted Minerals SSA DPD (amended by the silica sand review in 2017).

Suggested change paragraph numbered 3: The premise behind this suggested change seems to be that the Mineral Planning Authority are responsible for proposing specific sites for mineral extraction, which is incorrect. The 'call for sites' process gave opportunities for mineral operators and landowners to submit suitable sites for mineral extraction in 2017, and also in response to the local plan consultation stages in 2018 and 2019. Two of the requirements in the 'call for sites' is the provision of evidence of the estimated mineral resource in the proposed sites and landowner willingness for the site to be allocated. However, an alternative policy approach to future silica sand extraction provision in the NM&WLP was required because insufficient suitable sites for silica sand extraction were submitted in response to the 'call for sites'. The process used to define areas of search is set out in the Silica Sand Topic paper and was itself subject to public consultation and examination as part of the separate concluded Single Issue Silica Sand Review process. The adopted Areas of Search from the Single Issue Silica Sand Review were re-evaluated as part of the current NM&WLP process, and following further information were considered to be inappropriate for continued designation leading to the proposed criteria-based policy.

Suggested change paragraph numbered 4: All existing mineral extraction sites in Norfolk are mapped. For silica sand extraction sites all historic mineral workings are also mapped as they were excluded from the potential Areas of Search (see the silica sand topic paper). The assessment of all the proposed sites for future mineral extraction in the NM&WLP has included potential cumulative impacts through the Sustainability Appraisal. Mineral can only be extracted from where it is found. This limits the potential locations for future silica sand extraction in Norfolk. The specific sites to be allocated in the Publication version of the NM&WLP were all proposed by mineral operators and are mainly extensions to existing mineral workings. The existing mineral workings have planning conditions requiring phased working and restoration and aftercare of the sites. Policy MP6 sets out the approach to cumulative impacts and phasing of workings. Policy MW1 'Development Management Criteria' specifically states that cumulative impacts, in combination with other existing and permitted development, will be taken into account when deciding if a planning application for development would have an unacceptable impact. Policy MP7 contains the requirements for 'progressive working, restoration and after-use' of mineral workings. Please also refer to the response to representation 99512 regarding the restoration of mineral workings.

Suggested change paragraph numbered 6: Please refer to the Silica Sand Topic Paper for further information on the process to date. This paragraph refers to NPPF policy on World Heritage sites which is not applicable as there are none in Norfolk. This paragraph also refers to NPPF policy on Conservation Areas, but the only Conservation Areas within the silica sand resource in Norfolk are located in settlements and therefore were excluded from the potential areas of search due to also being within 250 metres of a residential dwelling. The silica sand resource areas are taken from the BGS maps of inferred surface resources, and do not consider or exclude any land uses, as this is not the purpose of the mapping. The full silica sand resource, as mapped by the BGS, was therefore used in the process of defining potential areas of search.

Suggested change paragraph numbered 7: As mentioned earlier, the change to a criteria-based policy was published as part of the Pre-Submission version of the NM&WLP and therefore subject to a formal representations period in which people and organisations could make representations about the policy approach and wording if they wished to. The Silica Sand Topic Paper sets out the background and reasoning for this change. In terms of the perceived issues with public involvement and democracy in the planning application process raised by Dr Ormerod, planning applications for silica sand extraction would still be submitted to Norfolk County Council (not the district council) for determination as happens currently and the statutory public consultation process on planning applications is also set out in the adopted Statement of Community Involvement.

Suggested change paragraph numbered 8: It is unclear what change the respondent is suggesting to the Local Plan. Policy MPSS1 requires the submission of archaeological assessments at the planning application stage. Historic England and the Norfolk Historic Environment Service are consulted on planning applications and are qualified to comment on the contents and conclusions of the archaeological assessments. Policy

MPSS1 requires the submission of a hydrogeological impact assessment at the planning application stage. The Environment Agency and Natural England are consulted on planning applications and are qualified to comment on the contents and conclusions of the HIA.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Attachment: August 2020 letter from Mr Ormerod to Tom McCabe NCC – <https://norfolk.oc2.uk/a/svzm>

Representation [Rep ID: 99527]: (Objection)

6A. Letter to the N.C.C. Chief Executive concerning Silica Sand Site-selection Issues over Shouldham Warren (AOS E) and the Improper Data Suppression

The August 13, 2020 letter brought a number of issues related to maladministration within the NMWLP processes to the attention of the Chief Executive. The data has proven unacceptable to the MPA and they have not found the light of day within the Plan process, as statutorily required. There is no reference to these issues within the NMWLP, 2022. Document, or elsewhere in the record. I will present it without comment as I believe it is self-explanatory, and the issues have been covered in passing elsewhere in this submission. The implications regarding the integrity of the silica sand site-selection processes in the Local Plan are not attractive. The information is illustrative of how the public common has been at serious disadvantage in this Norfolk Statement of Community Involvement-driven process. [letter text attached]

6B. Public Accountability

1. These observations have been mainly relevant to the Single-issue Silica Sand Site Selection Process, but there is also evidence of both inattention and of group think in the MPA responses to both consultations and commentaries.
2. It is extraordinary to observe a 12-year, major Local Plan, and in its silica sand mining programme in particular, where an established regional pattern of public recreational land use – in Shouldham Warren – is intentionally disregarded, for (presumably) internal departmental reasons.
3. A few words on public rights of way. The MPA has not understood that it is the revealed historical nature of the way that determines its status under law. Once a public way has been acknowledged, the public rights of way persist in the absence of a legal modification, and even when privatised and no longer in use. It is the County responsibility to keep the Definitive Map continuously updated, The refusal of the MPA to accept this data and acknowledge its existence on the programme website was improper. To attempt to game the system and assure that they would not consider the issues before the mine might have been in operation for many years was irresponsible and unacceptable. The facts were reported to the Chief Executive. But there was no acknowledgement of the implications for Shouldham Warren planning in the Plan documents: the issue was suppressed.
4. The extensive public recreational land-use preceded the silica sand safeguarding map by 2-3 generations, and indeed Shouldham Warren and West Bilney Woods were not included on the map. Yet, the MPA continued to support the introduction of sand mining at Shouldham Warren, presumably as it could potentially be compatible with the RAF Marham bird-strike risk aversion. When provided with an opportunity to re-establish public accountability. The Chief Executive failed in his duty. The NMWLP 2022 still prefers to characterise the Shouldham Warren issue as one of open access (and one only recently acknowledged) and not primarily one of a public right to recreation and a historical public utility. The massive public reaction appeared to be a complete surprise to N.C.C. Far too many MPA officer responses to the consultations and commentaries have been inaccurate, opaque, casual, just plain wrong, or have avoided an answer. It is not difficult to answer fully and appropriately, but internal considerations appear to have got in the way.
5. It does not appear that there is an established rule-based environment at the MPA when we see some of the actions reviewed in this section. Are there effective SOPs in place to govern decision-making? In such a complex regulatory environment, there probably should be in place so that consistent, lawful decisions continue to be made.
6. To undo the unnecessary assault on regional recreational interests in the attempts by Norfolk MPA to incorporate Shouldham Warren (and West Bilney Wood) into AOS when neither was on the safeguarding

map. And then to attempt to game public “commentaries” that mentioned the extent and variety of public recreational use requires N.CC to recognise that major public recreational centres are protected from minerals development by law. The huge number of “commentaries” received by the MPA reflected also the totally inadequate public discourse that had been undertaken. These activities had been sanctioned in a poorly conceived section of the Norfolk Statement of Community Involvement, of which this Local Plan process was its first time in the sun. If the SCI is not improved, these events or something like them will be feted to return in the future. The SCI is currently under review and needs to integrate appropriate changes. Another contentious issue was the diffident consultation offered the general public, and with “commentaries” rather than a true “consultation” as offered to all other stakeholders. Village/town meetings are needed. Other instances have been mentioned in these documents. The discounted treatment of the public’s views continued throughout the long process.

7. These data support the notion that, for a variety of reasons, the MPA silica sand extractive site-selection process has been unsuccessful at maintaining sufficient reserves. NPPF explains the task of identifying accessible sites as a cooperative process with minerals firms, but for Norfolk silica sand developments, there is little evidence of this publicly. Perhaps the Rt. Hon. Elizabeth Truss MP has a correct analysis and Sibelco UK have not been pulling their weight. The company, however, has certainly been investigating widely over the last 18 months. Perhaps there have been strategic mistakes. Dependency on AOS as large as 1,014 hectares in size do appear, while having the attraction of scale, to founder on unmitigatable issues when promulgated in the centre of a river valley characterised by numerous medieval monasteries, and close to a major military airbase.

8. The water-body bird-strike issue is presented as an immovable object, in spite of the fact that both of the recently successful sites. SIL 01 and MIN 40, lie within this umbrella. Instead of looking for improvements and a change of tack. The MPA has decided to simplify its task and to refer all applications directly into the district planning procedures. A more focused policy, based upon going the extra distance and identifying potential mineral sites, is recommended by the NPPF. There may indeed be other reasons why the proposed AOS sites have not been adopted, although there is no such explanation given. Instead, the MPA relies on an obscure rule intended for mineral areas inside extensive AONB, as decision-making is usually secondary to the landscape designation, that, only then, is the MPA permitted to allow mineral applications directly into planning inspection. I doubt most sincerely that the large safeguarded area for silica sand mining falls into this criterion, partly because it is a widely spread area. The public representation over the 12-year advent of this Local Plan has demonstrably been poor and sub-standard. What is your public supposed to do when they would likely have no standing in the planning application process, and anyway there would be no statutory obligation to even inform the public that the planning application meeting was to take place?

9. I cannot support the proposed shredding of the NPPF criteria-led process and see too many demerits of the voidance of foundational Local Plan principles and the referral directly to the district planning procedures, with untested overall consequences, and lessening yet further the opportunities for representation of the public interests.

10. In Consultation no. 99001, The Kings Lynn and West Norfolk Borough Council said the following (as quoted in its abstracted form), “it would be unrealistic to seek to have no areas of search at all, and the Plan could be found unsound” The answer ignores the cadence of this statement. It is suggested. As your district council is too polite to lay out fully, that the current County proposals for the selection of silica sand sites are contrary to basic tenets of the NPPF and I suggest are, in fact, unsound. The silica sand extraction site development programme needs to be redrawn in accordance with the regulations.

Suggested change: The silica sand extraction site development programme needs to be redrawn in accordance with the regulations.

NCC Planning Officer response: We strongly disagree with the allegations made in this representation about both the process and Council officers. Please refer to the Silica Sand Topic Paper which sets out further details about the process undertaken to date.

With regards to the letter attached to this representation, sent by Dr Ormerod to Tom McCabe (then Executive Director of CES and Head of Paid Service at Norfolk County Council) on 13 August 2020, a detailed response to this letter was sent to Dr Ormerod from Tom McCabe on 4 September 2020.

1. Please refer to the response to representations 99530, 99528 and 99514 regarding the Statement of Consultation and public consultation.
2. The NM&WLP process began in 2017. This paragraph is regarding Area of Search E which contains Shouldham Warren. Area of Search E is allocated in the current adopted Minerals Site Specific Allocations DPD, but it is not allocated in the Publication version of the NM&WLP.
3. The copies of DMMO applications submitted by Dr Ormerod to the Mineral Planning Authority were not published on the local plan consultation website because they were submitted after the Preferred Options Consultation period had ended. The question of whether the evidence of any historical right of way submitted by the respondent is, when considered with all other evidence, evidence such that the Definitive map should be modified as specified by the Wildlife and Countryside Act 1981 Section 53(3)(c)(i) to (iii); is not a question for the Mineral Planning Authority. It is a question for the County Council as the Surveying Authority; these are different Statutory Authorities with different duties. The Mineral Planning Authority in plan making should have regard to the Definitive Map, as PRoWs on this have been confirmed; either unopposed by the Surveying Authority or by the SoS following a local inquiry which considers all the evidence and any opposing evidence or representations to the application for a modification to the Definitive Map. There is no attempt to 'game the system' as the respondent alleges, as this would be to no advantage; Section 261 of the Town and Country Planning Act 1990 allows for orders to be made to temporarily stop up or divert a PRoW for the purpose of enabling surface minerals to be worked. As has been mentioned above, AOS E which contains Shouldham Warren is not designated as an Area of Search in the Publication version of the NM&WLP.
4. The mineral resource safeguarding map showing silica sand did not exclude West Bilney Woods or Shouldham Warren due to any recreational land use, indeed the resource safeguarding map does not take into account any land use throughout the whole of Norfolk. This is because the resource safeguarding map only considers the BGS inferred mineral resources, as its purpose is to ensure that non-mineral planning applications submitted to the district or borough planning authorities are subject to consultation with the Mineral Planning Authority. It was used as the basis for the previous designation of Areas of Search and for the currently proposed criteria policy because it gives an indication of where silica sand is likely to be found, there is no implication of whether those areas would or would not be suitable for the successful grant of a planning application for mineral extraction. Please also refer to the response to representation 99488 regarding mineral safeguarding. We strongly disagree with the representor's statements about the Planning Officer's responses to the consultation responses in the Statement of Consultation; please refer to the response to representations 99530, 99528 and 99514 regarding the Statement of Consultation. Please note that AOS E (containing Shouldham Warren) is not designated as an area of search within the Publication version of the NM&WLP. One of the reasons that AOS E is not designated in the Publication version of the NM&WLP is because "The area of the silica sand resource with the highest elevations within the birdstrike consultation zone (therefore least likely to be worked wet or restored to open water) is Shouldham Warren which has a number of Public Rights of Way within it and permissive public access provided by Forestry England. Due to the importance of access to open spaces (NPPF paragraphs 98 and 99) and Forestry England's aim to make land within its management accessible to the public, Shouldham Warren is also concluded to be undeliverable for future silica sand extraction" (paragraph 13.3 of the Silica Sand Topic Paper).
5. Planning applications are determined in accordance with the relevant legislation and the Council's constitution. This means that for most planning applications for new mineral extraction development, elected councillors on the Planning (Regulatory) Committee make the decision as to whether planning permission should be granted or not. The Minerals and Waste Local Plan is also produced in accordance with the relevant legislation and subject to a public examination by an independent Planning Inspector. Decisions on the production and adoption of the Minerals and Waste Local Plan are also carried out in accordance with

the Council's constitution. This means that the various iterations of the Plan for consultation are taken to the County Council's Infrastructure and Development Select Committee and Cabinet, and elected councillors make the decision as to whether the consultation on that document should take place. The decision on whether to adopt the Plan following the Examination and Inspector's Report recommending adoption is subject to decision by a full County Council meeting of elected Members.

6. See response to point 4 above relating to the resource safeguarding map. Legislation regarding plan making and the public consultations state that Planning Authorities provide a summary of the main issues raised by consultees in the Regulation 22 Statement of Consultation. It is the issues raised that are the pertinent part of the plan making process not the number of people making the responses. Therefore, it is not necessary to individually respond to every consultee or representation, and a number of consultees who are raising the same issues can be grouped together for a collective feedback response. The Statement of Community Involvement (SCI) is a long established document and has been through various iterations since the first version was adopted in 2007, and has formed the basis for public involvement for both planning applications and the Local Plan making process since that time. An updated version of the SCI was adopted in October 2022. Please also refer to the responses to representations 99514, 99528, 99529 and 99530 regarding the Statement of Consultation.

7. The responsibility for bringing forward mineral extraction sites through both the Local Plan and planning application processes lies with the mineral operators and/or the landowners. The Mineral Planning Authority is responsible for assessing the proposals brought forward to them, however other than holding a 'call for sites' as part of the initial stages of plan-making, they cannot make mineral operators submit sites. As mineral operators/landowners are private entities it is entirely within their gift as to whether they decide to engage in the Local Plan process by submitting sites or not. Sibelco UK, the only silica sand operator in Norfolk, only submitted sites SIL 01, SIL 02, and MIN 40 to the NM&WLP process for consideration. Sites SIL 01 and MIN 40 are allocated and have received planning permission, but the largest proposed site, SIL 02 was assessed as being unsuitable for allocation. Given that a shortfall in planned silica sand supply exists because insufficient appropriate sites have been proposed by mineral industry, either a continuation of the adopted Areas of Search or a criteria-based policy were the only viable alternatives. Following submission of further information through the consultation stages it was determined that the adopted Areas of Search could not be carried forward into the new NM&WLP, which has left the criteria-based policy as the only appropriate way of planning for industrial sand extraction over the Plan Period. Further detail is provided in the Silica Sand Topic Paper.

8. The MOD Defence Infrastructure Organisation (DIO) has objected in principle to wet working and restoration within SIL 02. The MOD (DIO) also raised safeguarding concerns about wet working and restoration for all four proposed areas of search due to the potential to attract and support hazardous waterfowl within critical airspace. They stated that further information would be required (which is not available for areas of search) before a definitive response could be given. MIN 40 and SIL 01, while in the birdstrike zone, are considerably further away from RAF Marham than SIL 02 or AOS E, are considerably smaller and do not propose wet working, whilst areas of open water on restoration would be considerably smaller. These factors meant that the DIO did not object in principle to MIN 40 or SIL 01. The respondent is incorrect when referring to 'district planning procedures' for the determination of planning applications for mineral extraction. Mineral planning including the determination of planning applications for mineral extraction are 'county matters' as set out in national legislation. Therefore, the County Council, in its capacity as the Mineral Planning Authority determines planning applications for silica sand extraction. The identification of potential sites suitable for specific allocations in a Local Plan is predicated on the mineral industry submitting sites for consideration as part of a 'call for sites' - see the response on this matter to point 7 above. See the response to point 2 regarding the correct length of time for the current NM&WLP plan making process. The process of sieve mapping used in the designation of the areas of search in the previous Single Issue Silica Sand Review is set out in the Silica Sand Topic Paper which shows a number of important national and international designations which intersect with the Leziate Beds silica sand resource. See also the response to point 7 above regarding the criteria-based policy.

9. As detailed in the Silica Sand Topic Paper we consider the criteria-based policy approach to be sound. Planning applications for silica sand extraction would continue to be submitted to and determined by the County Council as the Mineral Planning Authority, in accordance with the relevant legislation. The planning application process includes consultation with local residents and parish councils in accordance with the legislation and the adopted Norfolk Statement of Community Involvement.

10. As detailed in the Silica Sand Topic Paper we consider the criteria-based policy approach to be sound. The Borough Council consultation response 99001 was to the Preferred Options consultation. They also made a representation to the Publication version of the Plan (which does not designate the Areas of Search and instead proposes the criteria-based policy). The Borough Council's view is that the Publication version is legally compliant and sound, this includes the criteria-based policy.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99532]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "legal compliance" and of administrative "soundness."

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E.

The new "Criteria-based Policy"

One concern over from the newly-proposed "criteria-based policy" shortcircuiting the NMWLP site assessments directly into the Planning Process is that a new, refashioned minerals application might be afforded lesser oversight than the Local Plan provided. The evidence shows unequivocally that no part of Shouldham Warren should ever be proposed for silica sand extraction. The Warren had been used for 40 years before mineral safeguarding was developed. The site had been exempted from silica sand and carstone safeguarding, and the Warren is a uniquely valuable public resource in a regional landscape already badly scarred by several hundred years of sand mining. It is the hope that Shouldham Warren can be preserved ad infinitum and that Norfolk County Council will formally support this characterisation.

Suggested change: Policy MPSS1 – Strategic Policy: Add the statement, "The possibility of unrecorded or under-recorded public rights of way on the site must be investigated." Before the statement beginning, "Submission of a suitable scheme for the temporary diversion and re-instatement of any Public Rights of Way located within the site."

NCC Planning Officer response: The Publication version of the NM&WLP does not propose to allocate any of the previously adopted Areas of Search for silica sand extraction, so Shouldham Warren is not allocated in the NM&WLP. A planning application for mineral extraction would not be afforded lesser oversight than the Local Plan process. Planning applications are determined in accordance with the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for relevant applications.

Please refer to the response to representation 99527 (response to point 4) regarding the mineral resource safeguarding map and Shouldham Warren. The suggested change is not required for the Policy to be sound and legally compliant.

Please refer to the response to representation 99536 regarding unrecorded or under-recorded Public Rights of Way located on a planning application site.

Respondent: **Sibelco UK Limited** (Lewis Williams) [Person ID: 18360]

Representation [Rep ID: 99472]: (Objection)

The supporting text to MPSS1 makes a number of assumptions without evidence and quite fatally disregards the fact that minerals can only be worked where they are found. In particular, the policy is dismissive in relation to silica sand being a mineral of national importance. It follows that there will be a number of potential sites either within or in close proximity to designated areas that may be acceptable for mineral extraction upon balance. However, the Council's approach is to blanket dismiss areas and hide behind designations is a flawed understanding of what they are intended for.

We suggest that a hierarchy of delivery to properly set out a spatial strategy for silica sand development is included to properly plan for the forecasted need for silica sand. This will help to ensure development of mineral resources to directed to more acceptable locations. It is considered that the criteria -based approach could in fact have the opposite approach given the incoherence of the silica sand policies both in approach and wording.

Suggested change: We suggest Policy MPSS1 should be reworded as follows:

Proposed Changes "Planning applications for silica sand extraction located outside of allocated sites [insert: 'will only be permitted where it can be demonstrated that greater priority schemes, as outlined in Policy MS2, are either unavailable or not viable to meet future silica sand needs. Otherwise planning applications which would'] address the shortfall in permitted reserves, will be subject to compliance with the Minerals and Waste Local Plan policies and all the following requirements:

a. To address the shortfall in silica sand supply to meet the requirements of the existing [delete: 'processing plant'] [insert: 'site'] (as set out in the NPPF); (no changes are proposed to policy requirements b. to q. of MPSS1)

NCC Planning Officer response: The Mineral Planning Authority considers that the policy MPSS1 and the corresponding supporting text are sound as proposed and supported by evidence (see the Silica Sand Topic Paper for further detail). The national importance of silica sand is well known by the Mineral Planning Authority and referenced several times within the Plan, and it is well aware that minerals can only be worked where they occur.

A number of designations within the silica sand resource (including SPAs, SACs, SSSIs, Ramsar sites, Listed Buildings, Scheduled Monuments and AONB) are of at least national importance, as set out below.

The MOD Defence Infrastructure Organisation (DIO) as a statutory consultee objected to the area SIL02; proposed by Sibelco UK Ltd due to birdstrike risk to planes operating from RAF Marham, which is the main operating base for the F35, and therefore of at least national importance. They also raised safeguarding concerns regarding potential wet working and wet restoration within Areas of Search E, F, J and I due to its potential to attract and support hazardous waterfowl closer to critical airspace. The MOD (DIO) stated that further information on the extent and design of open water bodies would be required (which is not possible for areas of search) before a definitive response could be given.

Natural England have previously raised serious concerns regarding the likely potential impacts of silica sand extraction within the hydrogeological catchment containing Roydon Common SSSI which is also a component feature of a SAC and a Ramsar site, which are European and international designations. Hearings during the 2013 Minerals Site Specific Allocations EiP discussed a potential omission site for silica sand extraction within this catchment and the Inspector concluded, after hearing evidence from Natural England and the proposer of the site, that the omission site was not suitable for allocation due to the uncertainty of potential significant effects on the designated site, having regard to the Precautionary

Principle. The omission site at Roydon, put forward by Sibelco UK Ltd in December 2022, does not include any supplementary evidence regarding potential significant effects on the SAC from silica sand extraction.

The Wash SSSI is a component feature of SAC, SPA and Ramsar sites; which are European and international designations, for which the Precautionary Principle would apply. A number of other SSSIs in proximity to the silica sand resource are also component features of other SACs; whilst other SSSIs are of at least national importance.

Regarding designated heritage assets, prior to the Preferred Options stage; the Mineral Planning Authority commissioned the Historic Environment Service to assess potential Area of Search E and proposed site/area SIL 02 which are in the parishes of Wormegay, Shouldham, Shouldham Thorpe and Marham. The Heritage Impact Assessment produced indicated that standoff areas would be required to ensure that potential impacts from mineral extraction would be less than substantial. It is considered likely that similar work and standoffs would be required around many other designated heritage assets. Listed buildings and Scheduled Monuments are of at least national importance, and their settings may contribute to their significance. In their responses to the NM&WLP Historic England have highlighted the importance of the consideration of heritage assets in the location of mineral extraction.

The first suggested policy change makes a cross reference within the policy wording to the suggested change to Policy MP2 by Sibelco UK Ltd in their representation 99471. We do not consider that it is appropriate or necessary to amend Policy MP2 as proposed (please see the response to representation 99471 for details). Therefore, it follows that if Policy MP2 is not being amended as suggested by Sibelco then the suggested change to Policy MPSS1 is not appropriate or relevant.

Regarding the suggested change to criterion a), we consider that the current wording is justified and appropriate. NPPF paragraph 214, states that 'Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by: (c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment'. It is appropriate therefore to link silica sand extraction to the operation of the processing plant, as silica sand is unsuitable for use without it being processed so this is a key and vital part of the process of winning viable silica sand for industrial use.

One representation received commenting on Policy MPSS1:

Respondent: **Dersingham parish council** (S Bristow) [Person ID: 1733]

Representation [Rep ID: 99162]: (Comment)

Cllr Shepherd advised about a consultation by NCC on this long-term countywide plan. Concerns had previously been raised about the potential for silica sand extraction to the northwest of the village. The proposal to define areas of search had been dropped and a criteria-based policy was proposed. After discussion it was agreed to comment about policies MP2 and MPSS1 because of a conflict between the policies in respect of accessing the existing processing plant at Leziate.

NCC Planning Officer response: Policy MP2 states that within the resource area identified on the key diagram, specific sites for silica sand should be located where they are able to access the existing process plant and rail head at Leziate via conveyor, pipeline or off-public highway haul route. This is consistent with Policy MPSS1 which states in requirement m that the existing processing plant should be accessed via conveyor, pipeline or off-public highway routes. However, if silica sand is proposed to be transported to the processing plant using the public highway then there will be a preference for a transport route which minimises amenity impacts through the use of off-highway haul routes from the B1145 to the processing plant".

One representation received objecting to paragraph MPSS1.2 of the supporting text to Policy MPSS1:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99533]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of “legal compliance” and of administrative “soundness.”

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E.

Suggested change: 17. Mineral Specific Policy MPSS1.2: on the 7th line, after “Open Access Land”, add “and appropriate Forestry Commission Land,” for clarity. The word “appropriate” is deliberate as it permits interpretation.

NCC Planning Officer response: Area of Search E is not allocated in the Publication version of the NM&WLP and therefore criteria-based policy MPSS1 has been written to apply to applications for silica sand extraction on unallocated sites. The suggested change is not appropriate because paragraph MPSS1.2 sets out the constraints to the silica sand resource in Norfolk. Forestry England land is not a constraint in itself; it is the public access to the Forestry England land that makes it less suitable for mineral extraction. There may be land leased and managed by Forestry England for which the landowner has not agreed to permissive public access. (Note Forestry England is the division of the Forestry Commission responsible for the management of leased or owned forests within England).

Policy MP3. Borrow Pits

Two representations received commenting on Policy MP3:

Respondent: **Essex County Council** (Philip Dash) [Person ID: 16208]

Representation [Rep ID: 99163]: (Comment)

The requirement for a borrow pit to be capable of being accessed from the construction project site either directly or via a short length of suitable highway is considered to be unduly restrictive and may unduly fetter the development management process. Further, rather than stipulating that the borrow pit must be worked and restored by the completion of the related construction project, it may be more appropriate to request that the site is restored by completion of the related construction project or as soon as practicable after, in order to potentially increase the scope for beneficial after-uses to be delivered as part of the restoration of the borrow pit. The remaining provisions are supported.

NCC Planning Officer response: The purpose of a borrow pit is to supply material for a specific construction project. Therefore, we consider that if the borrow pit cannot be accessed either directly from the construction project or via a short length of suitable highway then it would not be geographically well-related to that project and it would not be any different from a traditional mineral working in this regard.

Borrow pits are usually restored using surplus material from the specific construction project that they serve. It is therefore reasonable for the timescale for the restoration of the borrow pit to be linked to the timescale for the completion of the construction project, otherwise it could cause problems with sourcing material for the restoration of the borrow pit. Mineral workings should be restored 'at the earliest opportunity' and we consider that the requirement for the borrow pit to be restored by the completion of the related construction project is in accordance with this objective.

Therefore, we will not be making the suggested changes because we consider that they would remove the link between the borrow pit and the construction project that it is designed to supply, which would make the proposed development a traditional mineral working instead of a borrow pit.

Support for the remaining provisions is noted.

Respondent: **Suffolk County Council** (Ross Walker) [Person ID: 21966]

Representation [Rep ID: 99446]: (Comment)

Would suggest that policy includes requirement that Borrow Pits will be restored with a measurable increase in biodiversity net gain after use if possible.

NCC Planning Officer response: The policy requires proposals to comply with the Development Management Criteria Policy MW1 which includes the provision of biodiversity net gains. Through the Environment Act 2021, developments under the Town and Country Planning Act 1990 (as amended) are required to deliver at least 10% biodiversity net gain once the legislation comes into force and it is not considered necessary to repeat this legal requirement in this policy.

No representations received about the supporting text to Policy MP3.

Policy MP4. Agricultural or potable water reservoirs

One representation received commenting on Policy MP4:

Respondent: **Anglian Water** (Tessa Saunders) [Person ID: 21901]

Representation [Rep ID: 99284]: (Comment)

We welcome reference to Anglian Water's Water Resource Management Plan in the supporting text to provide context to Policy MP4.

Water Resource Management Plans play a crucial role in securing the public water supply for the region. The plan identifies the investment required to secure public water supply for the region whilst protecting and enhancing the environment. This is then projected into water company business plans. Every five years we develop our Water Resources Management Plan (WRMP) which sets out how we will manage the water supplies in our region to meet current and future needs over a minimum of 25 years. Our current Plan, published in 2019, covers the period from 2020-2045. We are now developing our next Plan (WRMP24) for the period 2025 – 2050.

The proposed strategic reservoir options in South Lincolnshire and The Fens are nationally strategic infrastructure and have been identified as strategic supply side options for addressing future water demand in the Anglian Water region due to population growth, climate change impacts and protecting the environment.

As nationally strategic infrastructure projects (NSIPs), these will be submitted as Development Consent Order applications to the Planning Inspectorate. An Examining Authority appointed by the Secretary of State and supported by the Planning Inspectorate examines the application and will make a recommendation to the relevant Secretary of State, who will make the decision on whether to grant or to refuse development consent. In such cases the Local Authority will not be the decision-maker but will provide a statutory local perspective throughout the process and be responsible for discharging the requirements associated with an NSIP in their area if development consent is granted.

NCC Planning Officer response: Noted.

No representations received about the supporting text to Policy MP4.

Policy MP5. Core River Valleys

Two representations received objecting to Policy MP5:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99136]: (Objection)

This policy does not mention impact on the Broads or its setting and does not cross refer to MW1 like other policies do. For consistency, this policy needs to refer to the Broads and/or cross refer to MW1. You could add the following to the end of the policy:

All schemes must also comply with the development management criteria set out in Policy MW1.

NCC Planning Officer response: The Core River Valleys are a local landscape designation in the NM&WLP. Paragraph MP5.1 explains that Core River Valleys have not been defined in areas located within the Broads because the Broads landscape is already nationally protected. Therefore, we do not consider it necessary to amend the policy as suggested.

Respondent: **Middleton Aggregates Ltd** [Person ID: 1861] Agent: **Stephen M Daw Limited** [Person ID: 143]

Representation [Rep ID: 99212]: (Objection)

The policy as worded sets an unreasonably high requirement for mineral developments in a Core River Valley.

Suggested change: The policy wording should firstly, be amended so that not all proposals need to result in an enhancement of the landscape, historic environment and biodiversity, to be acceptable. Instead proposals should be expected to result in one or at most two forms of enhancement. Secondly, it is unreasonable to require a mineral development to result in enhancement(s) during working and so this requirement should be dropped.

NCC Planning Officer response: The policy wording does not require the mineral development to result in enhancement during working. With regards to the concerns raised about the current policy wording requiring a development to enhance the landscape, the historic environment and biodiversity, the Core River Valleys are a local landscape designation in the NM&WLP and therefore a key requirement of the policy is the enhancement of the landscape. In addition, the Environment Act 2021 makes a 10% biodiversity net gain mandatory once the legislation comes into force. The inclusion of the historic environment within the policy was specifically requested by Historic England.

Three representations received commenting on Policy MP5:

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99458]: (Comment)

Suggested change: Suggest that it should add that it does not impede on the natural water quality infrastructure e.g. natural riparian strips reed beds or water woodlands etc

NCC Planning Officer response: The Core River Valleys are a local landscape designation in the NM&WLP and the policy is intended to prevent Core River Valleys from unacceptable adverse landscape impacts from mineral extraction. The policy is likely to result in other positive effects, but they are not the core purpose of the landscape policy and therefore we do consider it appropriate to amend the policy as suggested. The requirements in Policy MW1 (Development Management Criteria) for a development proposal to demonstrate that the development would not have an unacceptable impact on the quality and quantity of surface waterbodies and groundwater, or the natural, geological and hydrological environment would sufficiently cover this issue at the planning application stage.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99235]: (Comment)

We welcome the reference to the historic environment.

NCC Planning Officer response: Noted.

Respondent: **Suffolk County Council** (Ross Walker) [Person ID: 21966]

Representation [Rep ID: 99447]: (Comment)

Suggested change: - “enhance the biodiversity of the river valley” could replace with... “provide a measurable increase the Biodiversity of the river valley” – This brings the wording more in line with the Environment act and BNG requirements.

NCC Planning Officer response: Noted. Whilst we consider that the existing wording is sound and legally compliant, to be consistent with national biodiversity net gain requirements we will propose a modification to the policy wording to state: “provide a measurable net gain in the biodiversity of the river valley” instead of “enhance the biodiversity of the river valley”.

No representations received about the supporting text to Policy MP5.

Policy MP6. Cumulative impacts and phasing of workings

One representation received supporting Policy MP6:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99236]: (Support)

The cumulative impact of mineral workings on the historic environment can be significant. We therefore welcome this policy.

NCC Planning Officer response: Support noted.

One representation received commenting on Policy MP6:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99141]: (Comment)

MP6, as worded, is quite complicated... in the same sentence, the policy talks about making something unacceptable, acceptable... I understand what is trying to be said here, but I wonder if the wording is clear.

NCC Planning Officer response: Noted, however, we do not propose to make any changes to the policy wording, which is similar to the existing adopted cumulative impacts policy (DM15) in the adopted Norfolk Minerals and Waste Core Strategy (2011) and the adopted cumulative impacts policy (MP5) in Suffolk County Council’s Minerals and Waste Local Plan (2020).

No representations received about the supporting text to Policy MP6.

Policy MP7. Progressive working, restoration and after-use

Three representations received objecting to Policy MP7:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99313]: (Objection)

In respect of Policy MP7, the application of the wording “exceptional circumstances” is questioned as this creates an unnecessary barrier to change. Sometimes the reason for a change can be simple, and therefore applying a qualifying criterion seems unjustified and unnecessary. The test should be no diminishment in quality, as per the remainder of the policy. The absence of drainage and flood risk wording under Policy MP7 is also notable as these are key aspects when considering the design of any restoration landform under the modern day planning regime.

NCC Planning Officer response: A modification to the policy will be proposed to include the need to ensure there will be no increase in flood risk in the restoration requirements, as requested by the Lead Local Flood Authority. The test is not only no diminishment in quality but also to enable restoration to occur as soon as possible. The NPPF (2023) 210 states “planning policies should ensure that worked land is reclaimed at the earliest opportunity ... and that high quality restoration and aftercare of minerals sites takes place.” The timeframe proposed for restoration of the site needs to be realistic at the time of the original planning application for mineral extraction. Therefore, no change is required regarding this issue.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99512]: (Objection)

Unconsidered Regional Vulnerability to Uncontrolled Silica Sand Mining

When considering the landscape implications of silica sand mining, almost all documents in the N.C.C. silica sand library and in the NMWLP document, May 2022, consider only the implications of active and proposed silica sand extraction sites, and mainly from the perspective of considerations of local amenity (village) impacts and from the problem of regulating HGV transports. The historical realities are largely being disregarded.

Within and directly adjacent to West Norfolk, there are the widespread, cumulative scars of several hundred years of sand and gravel (aggregates) mining and at least 200 years of silica sand mining for glass, foundry, ceramics, and other industries. New mining sites are selected with almost no consideration of the surrounding blight; many of these sites remain unremediated and many have been reduced to lakes. The NMWLPA misleads in its discussion of cumulative adverse effects. Claiming that only current mining sites are involved. In fact the National Planning Policy Minerals Guidance (2014) states, “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” There is no preoccupation with the impacts of active sites in the NPPG or NPPF. It is the true cumulative impacts of local mining that is the pertinent factor.

Indeed, the systematic restoration of old sites would allay some of the widespread public Concerns, but there has been no interest from N.C.C. or from mining groups. Virtually all the sites that have come under consideration in the last decade are adjacent to old workings. The logical approach to this situation is for N.C.C. to contract a map maker to develop (for the first time) a map of historical and current sand mining sites in West Norfolk. The purpose would be to establish more sustainable choices of silica sand extraction sites.

The richness of the Leziate deposits of the Sandringham sand classification has meant that this resource has been preferentially mined, with the extensive blight in Leziate, Mintlyn, Bawsey, Roydon, Middleton, West Winch, Wolferton, Sandringham, and elsewhere. There is an official preference for proposed sites close to the Leziate Factory, which is concentrating the scarring of landscape. Even if newly-finished mining sites are

now being reclaimed. But there is little evidence that the abundance of old mining sites will not just remain as unreclaimed and often useless landforms.

Sibelco UK, from the evidence of their application history remain quite unconcerned. Yet in Belgium, their HQ, the company have a vaunted reputation for both site reclamation and the substitution of significant silica sand inputs with reclaimed glass, but not here in England. N.C.C. are not encouraging or mandating either.

Another unreported impediment to mining in the region is the very high level of governmental neutralisation of large swathes of the countryside. Since 1942, 121 square km have been appropriated as the STANTA military area for the British Army. Since the 1920s, 45,000 acres of the Brecks and West Norfolk have been planted as primarily monocultural Forestry England plantations, the largest lowland forest in Britain. There are three major airforce bases adjacent to the limited regional silica sand resource, RAF Marham, RAF Lakenheath, and RAF Mildenhall; the former in particular may invalidate significant potential sites under its statutory 13 km radius of bird-strike zone, although there are already appreciable numbers of lakes in old mining sites within this zone. There are also scattered areas of residual fen and wet woodland throughout the area. A review of the website, Who Owns Norfolk, shows the vast areas of privately-owned country estates, including the 20,000 acre Sandringham Estate and large Crown Commissioner landholdings. These facts appear never to be considered by N.C.C. in its support and adjudication of the nationally important silica sand industry.

Facts are facts and should not be disregarded. The facts speak to the necessity of a more nuanced approach to silica sand mining, the importance of restoring large swathes of the countryside damaged historically by sand mining, and not just the current mines, a determined consciousness of adjacent damaged areas. And the requirement for a more systematic approach to the identification and selection of new silica sand extraction sites. Familiarity with the cumulative documents on N.C.C. silica sand site selection ought to lead to the conclusion that perhaps a process with greater discretion and success in the identification of appropriate silica sand resources might be achievable. Yet the ambient culture seems to expect different results from doing the same thing. It is clear that the public interests must be part of the solution.

Suggested change: Unconsidered Regional Vulnerability to Uncontrolled Silica Sand

Mining B

1. The occasional recreational public land-use interests are unrecognised in the planning structure informing silica sand extraction site selection in the NMWLP, May 2022. They are of particular importance because of the local landscape blight associated with historical sand mining and governmental programmes. Shouldham Warren, part of AOS E, the jewel of West Norfolk countryside recreation, is perhaps the best example. Public interests cannot be excluded from planning decisions, and evidence suggests that this absence in NMWLP was systematic. Resets are required in a number of the Plan processes to accommodate this legitimate public interest before the NMWLP can be considered legally compliant.

2. A comprehensive West Norfolk region-specific mapping of both historical and current active and suspended mining sites – for silica sand, sand sand and gravel, and carstone – should be created to help inform further planning, and restoration. An independent cartographer should be engaged. This needs to be undertaken with some urgency. The purpose is to introduce greater granularity into the process that is currently available to aid specific site selection and to avoid areas of blight.

3. Restoration of the many old neglected sand mining sites, including areas of cumulative industrial blight, is an important issue for the general public as they see additional mining sites proposed for a battered landscape. Public rural recreational areas are now scarce. If the industry will not accept any responsibility, it has to be the responsibility of local government, possibly with private sponsorship. The Bawsey Lakes area is a classical example with fenced (in disrepair) areas of heavy metal contamination, sinking sands, and chemical contamination, and several unsafe lakes, some with unsecured, below-surface obstructions. The huge site has required surveying and restoration for over 50 years. It ought to be a major regional resource, if funded properly. Ignoring the extensive heritage mining blight in West Norfolk in the execution of planning

for silica sand mining is a fundamental and self-inflicted problem. I request consideration of this aspect in the adjudication of the “soundness” of the NMWLP to 2038.

4. The MPA claim that the selection of putative AOS sites may not be a useful approach in the Leziat beds anymore may well be realistic. A greater granularity of approach, aided by the mechanisms suggested, and allied with an improved collaborative endeavour with minerals firms may aid in the recognition of specific sites, and even of multiple smaller sites.

NCC Planning Officer response: Local Plan Policy is to be used for the identification of land for potential mineral extraction and the determination of planning applications going forward. The issues raised regarding historic sites where planning permission was originally granted decades ago are not within the scope of the Local Plan. Restoration of historic sites was carried to the standards applicable at the time the planning permission was extant.

1. The public access to land has been considered in the NM&WLP process. When carrying out the site assessments of potential site allocations and Areas of Search, planning officers have considered Public Rights of Way and public access through the CROW Act and through permissive rights allowed by those managing the land. The decision to not designate AOS E was in part influenced by considerations around the permissive public access provided by Forestry England as part of their management of Shouldham Warren. Allowing permissive public access is part of their mission statement and they have a management lease of approximately 950 years which would potentially affect the deliverability of part of AOS E. Some areas of previous silica sand extraction which have been restored in accordance with the historic planning conditions have permitted public access as part of this process, such as Bawsey Lakes. However, the management of unrestricted public access to this site has proved problematic for the site owners over a number of years, and so does not always provide the most appropriate restoration option.

2. Minerals can only be worked where they are found. All current mineral workings in Norfolk are already mapped and have been taken into account in the NM&WLP process. As part of the previous Single-Issue Silica Sand Review all previous permitted silica sand extraction sites were mapped, and this was used as part of the sieve mapping process used to designate potential areas of search. A summary of the sieve mapping process is included within the Silica Sand Topic Paper (2022). The Preferred Options NM&WLP consultation document included the information on the sieve mapping as an appendix.

3. The issues raised regarding historic sites where planning permission was originally granted decades ago are not within the scope of the Local Plan and indeed the Planning System within England does not allow for respective restoration conditions to be placed on historic extraction sites which have ceased many years ago. The modern Planning system came into being in 1947, therefore all extraction sites worked prior to that had no planning conditions regarding restoration, and none could be legally applied now. Furthermore, after the introduction of the 1947 Act, restoration conditions were by and large extremely simple, often requiring only the removal of equipment. As time has progressed, the planning system has evolved and greater emphasis has been placed on restoration of sites at the planning application stage, such that modern mineral extraction applications have to provide restoration and aftercare proposals, and these are then conditioned as part of any grant of permission. Notwithstanding, all of this, there is not any scope for imposing retrospective restoration conditions on historic extraction sites. These sites are in private hands, and not in the control of the Mineral Planning Authority, so any proposals for work to amend the current landform would have to be made by those landowners. This would be likely to require planning permission from the Borough Council as the Local Planning Authority, or potentially Norfolk County Council as the Waste Planning Authority depending on the nature of the proposed development. Regarding Bawsey Lakes, parts of this site were being extracted prior to the introduction of the 1947 Planning Act, and other parts of the site were subject to planning permissions for extraction many years ago, with the most recent being in the late 1980's. The site was subject to planning conditions on restoration determined to be appropriate at the time. The site has always been in private ownership, and therefore issues related to the management of the site since the planning conditions regarding restoration were discharged have been their responsibility. Any funding for future enhancement would need to be sought by those landowners, either on a commercial

basis or through suitable grant funding if available. The chemical composition of the water in the lakes is the result of the underlying geological formations and not pollution or contamination, the lakes themselves are clearly signed as being unsuitable for swimming.

4. As has been detailed above the sieve mapping process considered issues such as previous mineral workings. The early stages of the NMW&LP also asked for input from the silica sand operator as to whether there were any additional areas which should be considered. After the 'call for sites' was made in 2017, mineral operators responded by submitting potential mineral extraction sites. The silica sand operator submitted land at Shouldham and Marham (SIL 02), however this was found, after assessment and consultation, to be unsuitable for allocation. It was only at the publication stage that the silica sand operator submitted additional sites and areas as omission sites.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99238]: (Objection)

We welcome the reference to restoration proposals being informed by the historic environment. We suggest a very slight amendment to the wording to read: The scheme has been informed by the historic environment and historic landscape [insert: "characterisation and landscape character"] assessments and the restoration enhances the historic environment. Historic landscape characterisation and landscape character assessments are slightly different but have complementary roles.

Suggested change: Amend text to read; The scheme has been informed by the historic environment and historic landscape [insert: "characterisation and landscape character"] assessments and the restoration enhances the historic environment.

NCC Planning Officer response: We will propose a modification to the last bullet point of the policy to make the requested change to the policy wording.

Seven representations received commenting on Policy MP7:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99421]: (Comment)

Natural England welcome the Plan's emphasis on ensuring Biodiversity Net Gain (BNG) is achieved, enhancing the green infrastructure network, and taking a positive approach to mitigate and adapt to climate change. There is also a clear emphasis on ensuring high quality restoration and after-use of sites to protect Best and Most Versatile (BMV) Agricultural Land and to enhance Norfolk's biodiversity and protect its landscapes. However, we advise that there is scope for the Plan to be more ambitious in its delivery of some of these policies and objectives.

Nature Recovery Network (NRN) and Local Nature Recovery Strategies (LNRs)

Natural England commends the NMWLP for acknowledging the potential that restoration and after-use of mineral workings has for the benefit of enhancing landscape, geodiversity and biodiversity. We welcome the reference to contributing, "to identified strategic green infrastructure corridors and known ecological networks," made in Policy MP7. We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/naturerecovery-network/nature-recovery-network>] is also included within this policy. The NRN is a commitment in the government's 25 Year Environment Plan and enacted by the Environment Act 2021. Natural England is working with partners on NRN and the development of LNRs. The NRN is used to refer to a single, growing national network of improved joined-up, wildlife rich places which will benefit people and wildlife. LNRs [<https://consult.defra.gov.uk/landuse/local-nature-recovery-strategies/>] will be the key mechanism for planning and mapping local delivery of the NRN. LNRs will form a new system of spatial strategies for nature that will be mandated by the Environment Act. They will cover the whole of England and will be developed by Responsible Authorities (Ras) appointed by the Secretary of State, usually at a county scale. Each strategy will:

- Map the most valuable existing habitat for nature
- Map specific proposals for creating or improving habitat for nature and wider environment goals

- Agree priorities for nature's recovery

LNRs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area. LNRs have also been designed to help local planning authorities deliver existing policy on conserving and enhancing biodiversity and to reflect this in the land use plans for their area.

Biodiversity Net Gain (BNG)

In line with paragraph 174(d) of the NPPF, reference to providing BNG is made throughout the NMWLP, which Natural England commends. BNG will be an important tool in securing investment for nature recovery through the planning system, helping deliver the government's commitment to create a national NRN. However, we advise strengthening this wording by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG. Strategic level viability assessments in Kent have concluded that this shift will not impact viability in most cases irrespective of onsite or offsite BNG delivery. This is because after the initial cost of securing the minimum 10% BNG, the cost of increase to 15 or 20% is much less and generally negligible. Natural England's Biodiversity Metric 3.1 may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. It is the government's intention that mandatory BNG will provide a financial incentive for development to support the delivery of LNRs through an uplift in the calculation of biodiversity units created at sites identified by the strategy through the Biodiversity Metric 'strategic significance' scoring.

Suggested change: We would advise that reference to the Nature Recovery Network [<https://www.gov.uk/government/publications/naturerecovery-network/nature-recovery-network>] is also included within this policy. We advise strengthening the wording on BNG by stating the minimum BNG uplift required to be delivered. With regards the upcoming mandatory requirement for a minimum of 10% BNG, we advise that you consider BNG delivery above this level, for example at 15% or 20% BNG.

NCC Planning Officer response: Norfolk County Council has not carried out any viability assessments to date on BNG so unfortunately, we do not currently have any evidence to support an increase in BNG above the mandatory 10% at waste management developments and therefore we are not able to include a higher BNG requirement in the NM&WLP. The 'Viability Assessment of Biodiversity Net Gain in Kent' referred to in this representation was regarding 7 housing development types and 3 commercial development types (2 industrial and one office). The commercial results were based on build cost and rentable value of the development and found that in Kent industrial development would be viable in some cases and marginally unviable in others. There was no viability assessment in the Kent study that would be applicable to mineral development. The land values used were obviously specific to Kent and the same study in Norfolk may come to different conclusions.

Although this will shortly become a legal requirement and it is not necessary to repeat the legal requirement in policy, for consistency a modification will be proposed to the seventh bullet point to state "The scheme provides for a minimum measurable 10% biodiversity net gain....". A modification will be proposed to the second bullet point to state: "contributes positively to identified strategic green infrastructure corridors, the Local Nature Recovery Strategy and the Nature Recovery Network."

Respondent: **Lead Local Flood Authority (Norfolk County Council)** (Mark Ogden) [Person ID: 21927]

Representation [Rep ID: 99158]: (Comment)

We welcome the inclusion of an assessment of flooding from all sources within the Plan. We would like to provide information which you may wish to consider in relation to Policy MP7 and section Flooding, water resources and water quality. Policy MP7: We would suggest the inclusion of a specific point relating to restoration proposals.

- The restoration scheme must ensure there will be no increase in flood risk from the pre-development scenarios and opportunities for betterment are sought.

NCC Planning Officer response: Noted. A modification to the policy wording will be proposed as requested.

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99126]: (Comment) MP7 – could the restoration be a walk or cycle route itself – as in, not necessarily connected to the PROW? Could it become an attraction itself? MP7 – what about access to water, if a body of water becomes part of the scheme?

NCC Planning Officer response: The policy states that “the restoration proposal must demonstrate that opportunities have been taken to improve public access where appropriate, particularly to implement the Norfolk Access Improvement Plan”. There is the potential for a restored site to be a walk or cycle route itself, as has taken place at Whitlingham, but the aspiration of the policy is connectivity with the existing Public Rights of Way network. The practicality of stand-alone walk or cycle routes on a restored site would be dependent on the site being a suitable scale. Public Accessibility in perpetuity is dependent on the agreement of the landowner of the site and would be subject to a legal agreement. Public access to restored sites that include water bodies as part of the restoration also requires long term management of the site.

Respondent: **Norfolk County Council – Natural Environment Team** (James Fisher) [Person ID: 21965]

Representation [Rep ID: 99412]: (Comment)

Suggested change: It is advised that the policy clarifies that the restoration proposal must demonstrate “the scheme provides for a [insert: minimum 10% measurable] biodiversity net gain”.

NCC Planning Officer response: Noted. Although this will shortly become a legal requirement in accordance with the Environment Act 2021, for consistency with the legal requirement a modification will be proposed to amend the policy wording as requested.

Respondent: **Suffolk County Council** (Ross Walker) [Person ID: 21966]

Representation [Rep ID: 99443]: (Comment)

Suggested change: Would suggest to replace “enhanced” with “measurable increase in biodiversity”

NCC Planning Officer response: Noted. Although this will shortly become a legal requirement in accordance with the Environment Act 2021, for consistency with the legal requirement a modification will be proposed to amend the policy wording to state: ‘a minimum 10% measurable biodiversity net gain...’.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99461]: (Comment)

Suggested change: Add also where appropriate, enhance water quality by provision of natural filtering interventions.

NCC Planning Officer response: We do not consider that the suggested change is an appropriate or necessary additional requirement for the restoration of a mineral working. Mineral workings are often not restored to water or wetland. A suitable conservation-based restoration scheme would be assessed on a case-by-case basis focussing on priority habitats and species for Norfolk and the local area.

Two representations received commenting on paragraph MP7.2 of the supporting text to Policy MP7:

Respondent: **Norfolk County Council – Natural Environment Team** (James Fisher) [Person ID: 21965]

Representation [Rep ID: 99411]: (Comment)

Suggested change: MP7.2: It is advised that the last sentence is revised to clarify that “...developments must provide [insert: a minimum 10% measurable] biodiversity net gain...”.

NCC Planning Officer response: Noted. Although this will shortly become a legal requirement in accordance with the Environment Act 2021, for consistency with the legal requirement a modification will be proposed to amend the wording as requested.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99459]: (Comment)

Suggested change: Suggest to add “Or where appropriate provide nature based water filtering enhancements”

NCC Planning Officer response: Please refer to the response to representation 99461 above.

Two representations received commenting on paragraph MP7.5 of the supporting text to Policy MP7:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99312]: (Comment)

Suggested change: Paragraph MP7.5 refers to Green Infrastructure mapping. It is suggested that a high-resolution copy of the map provided is either included as an appendix or a weblink, as the drawing provided is of low quality and cannot be easily used on an interpretive basis.

NCC Planning Officer response: The Publication version of the NM&WLP did not include a drawing of the Green Infrastructure map. The Policies Map accompanying the Publication version of the NM&WLP included the Green Infrastructure corridors in both a PDF version and an interactive version where the scale can be changed to view.

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99142]: (Comment) MP7.5 – grammar – strategy for maintaining biodiversity

NCC Planning Officer response: Noted. This drafting error will be corrected with a minor modification.

One representation received commenting on paragraph MP7.7 of the supporting text to Policy MP7:

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99460]: (Comment)

Suggested change: Suggest to add that restoration should be for the benefit of the river catchment overall.

NCC Planning Officer response: Due to the scale of a river catchment compared to the scale of a mineral extraction site we do not consider that this proposed wording change is appropriate or necessary.

One representation received supporting paragraph MP7.8 of the supporting text to Policy MP7:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99237]: (Support)

We welcome the reference to historic character and landscape characterisation in paragraph MP7.8.

NCC Planning Officer response: Support noted.

Policy MP8. Aftercare

Two representations received commenting on Policy MP8:

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99341]: (Comment)

Summary: We support the need for planning conditions and or longer term planning obligations where there is a clear need but it is clear from the supporting documents for the Defra biodiversity net gain metric that some habitats require longer than the typical 5 year aftercare period normally attached to minerals consents in order to be successfully created. We therefore recommend that the policy wording is modified in order to ensure it is effective.

Full text: We support the need for planning conditions and or longer term planning obligations where there is a clear need. Referring specifically to the varying time periods recommended for successful establishment of new habitat creation in Defra's biodiversity metric, it is clear that some habitats will require longer than the typical 5 year aftercare period normally attached to minerals consents.

Suggested change: We therefore recommend that the policy wording is modified in order to ensure it is effective, changing the first sentence of the second paragraph to read 'Planning conditions and/or longer-term planning obligations will be used to ensure that detailed annual management reports and ... to ensure that a detailed annual management where there is a clear need for a longer aftercare period in order to successfully deliver the restoration goals'.

NCC Planning Officer response: The policy wording already refers to an outline aftercare strategy of 'at least 5-years' and paragraph MP8.3 recognises that a longer period may be required. The Policy states that the annual management report must include any measures required to achieve the outline aftercare strategy. We consider that this adequately covers the point raised in the representation, however for clarity we will propose a minor modification to paragraph MP8.3 to state: "The approved aftercare would be secured by planning condition or a legal agreement as appropriate". Please also refer to the response to representation 99413 below.

Respondent: **Norfolk County Council – Natural Environment Team** (James Fisher) [Person ID: 21965]

Representation [Rep ID: 99413]: (Comment)

Suggested change: An aftercare strategy of ten years is advised (rather than five years), to ensure habitats have satisfactorily established. It may also be helpful to clarify that biodiversity net gain plans and their associated management and monitoring plans will require a minimum thirty year maintenance period where Biodiversity Units are to be delivered onsite.

NCC Planning Officer response: The requirements of biodiversity net gain are set out in the Environment Act 2021 and therefore it is not necessary to repeat the legal requirement in this policy or the supporting text. There is a difference between aftercare and maintenance which should be noted. The thirty-year requirement to maintain the enhancement of a biodiversity gain site would be unlikely to equate to a thirty-year aftercare period, as the land would have been brought to the required standard sooner than thirty years after restoration. Detail regarding aftercare conditions is set out in Schedule 5 of the Town and Country Planning Act 1990. Aftercare conditions are required to ensure that, following site restoration, the land is brought up to the required standard which enables it to be used for the intended afteruse (namely use for agriculture, use for forestry, use for amenity (including biodiversity)). The legislation sets out that the 'the land is brought to the required standard when it is reasonably fit for that use', in the case of agriculture or forestry. In the case of amenity 'the land is brought to the required standard when it is suitable for sustaining trees, shrubs or other plants'. As explained in the national Planning Practice Guidance, the Mineral Planning Authority cannot require any steps to be taken after the end of a 5-year aftercare period without the agreement of the mineral operator (as set out in Schedule 5 to the Town and Country Planning Act 1990). Therefore, whilst we appreciate that after-uses that are not agricultural an aftercare strategy for longer than 5 years may be required (as set out in paragraph 8.3) it is not appropriate for the policy to

include a specific aftercare period 10 years as this will need to be agreed with the operator on a case-by-case basis depending on the proposed afteruse of the site.

No representations received about the supporting text to Policy MP8.

Policy MP9. Asphalt plants, concrete batching plants and the manufacture of concrete products

One representation received commenting on Policy MP9:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99314]: (Comment)

It is respectfully suggested that Policies MP9 and MP10 could be expanded to include reference to precast blockworks to use indigenous materials and aggregate bagging plants, as both are viable forms of ancillary development at aggregates sites in principle.

Suggested change: Policies MP9 and MP10 could be expanded to include reference to precast blockworks to use indigenous materials and aggregate bagging plants, as both are viable forms of ancillary development at aggregates sites in principle.

NCC Planning Officer response: Policy MP9 already refers to “manufacture of concrete products” which would include precast blockworks and therefore this is already included in the policy. We recognise that aggregate bagging plants are a viable form of ancillary development at aggregates sites. Policy MP11 safeguards mineral extraction sites and by default, handling and processing of the primary mineral on site, which would include aggregate bagging plants. Therefore, we do not consider it is necessary to include aggregate bagging plants within Policy MP9 because they are unlikely to be operational without an associated mineral working.

No representations received about the supporting text to Policy MP9.

Policy MP10. Safeguarding of port and rail facilities and facilities for the manufacture of concrete, asphalt and recycled materials

One representation received supporting Policy MP10:

Respondent: **Essex County Council** (Philip Dash) [Person ID: 16208]

Representation [Rep ID: 99164]: (Support)

The additional information around a Minerals Infrastructure Impact Assessment (MIIA) and Appendix 9 which set out the nature of evidence that would be required to be submitted alongside a non-mineral development within the consultation areas of safeguarded sites such that the County Council could be satisfied that the proposed development would not have a detrimental impact on existing or allocated sites for mineral development is welcomed.

NCC Planning Officer response: Support noted.

One representation received objecting to Policy MP10:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99137]: (Objection)

This policy uses the term 'should' in relation to the submission of a Minerals Infrastructure Impact Assessment. The rest of the policy uses 'will' for example. It seems that this assessment is essential, but the policy using the term 'should' implies it is not. Why is there difference in wording in this policy when compared to others?

Suggested change: The criterion could be amended as follows:

Development proposals within 250 metres of the above minerals related facilities [delete: should] [insert: are required to] demonstrate that they would not prevent or prejudice the use of those facilities, through the submission of a Minerals Infrastructure Impact Assessment, as set out in Appendix 9. The 'agent of change' principle will be applied to all such development.

NCC Planning Officer response: We considered that 'should' is sufficiently strong wording that the developer is expected to carry out this assessment. The policy states that Norfolk County Council would oppose development proposals which would prevent or prejudice the use of safeguarded sites for those purposes unless suitable alternative provision is made, or the applicant demonstrates that those sites no longer meet the needs of the aggregates industry. Therefore, it is in the developer's interest to submit an assessment to demonstrate that the development would not prevent or prejudice the use of the safeguarded facility.

Four representations received commenting on Policy MP10:

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99297]: (Comment)

The MPA welcomes and support the reference to the 'agent of change' principle in the policy and the policy itself. However, it is felt that for the purposes of clarity and effectiveness the wording of the policy should be adjusted as follows for clarity and effectiveness.

Suggested change: Proposed Changes

b) Existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of [insert: 'primary'], substitute, recycled and secondary aggregate material.

NCC Planning Officer response: We do not consider it necessary to change the policy because it is worded in line with paragraph 210 (e) of the NPPF (2023) and the policy includes primary minerals within paragraph a.

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** [Person ID: 8004]

Representation [Rep ID: 99315]: (Comment)

It is respectfully suggested that Policies MP9 and MP10 could be expanded to include reference to precast blockworks to use indigenous materials and aggregate bagging plants, as both are viable forms of ancillary development at aggregates sites in principle.

Suggested change: Policies MP9 and MP10 could be expanded to include reference to precast blockworks to use indigenous materials and aggregate bagging plants, as both are viable forms of ancillary development at aggregates sites in principle.

NCC Planning Officer response: Policy MP11 safeguards mineral extraction sites and by default, handling and processing of the primary mineral on site, which would include aggregate bagging plants on mineral extraction sites. Policy MP10 includes the safeguarding of sites for the manufacture of concrete products, which would include blockworks. Therefore, we do not consider that any changes are required to Policy MP10.

Respondent: **Norwich City Council** (Joy Brown) [Person ID: 21952]

Representation [Rep ID: 99304]: (Comment)

Whilst Norwich City Council has no objection to objective MS05 or policy MP10, for the avoidance of doubt 'agent of change' should be defined.

Suggested change: Agent of change should be defined either within the explanatory text or within the glossary.

NCC Planning Officer response: Noted. Whilst the agent of change principle is set out in paragraph 187 of the NPPF (2023) we agree it would be useful for it to be defined within the NM&WLP. We will therefore propose a minor modification to include this information in the glossary.

Respondent: **Norwich City Council** (Joy Brown) [Person ID: 21952]

Representation [Rep ID: 99305]: (Comment)

Whilst Norwich City Council has no objection to policy MP10, we have previously commented that the policy should acknowledge the proximity of the Trowse Railhead to sensitive residential users and to the east Norwich sites with major regeneration potential including the Deal Ground, Utilities Site and Carrow Works. The safeguarded Trowse Railhead and adjacent Lafarge plant are located in east Norwich adjacent to the Deal Ground site (allocated in Norwich's Site Allocations Plan under policy R9, with extant consent for 670 units of housing) and in close proximity to other allocated sites including the Utilities site (R10), Gothic Works (R11), and Land adjacent to the Football club (CC16 – part developed). The adopted Joint Core Strategy identifies east Norwich as a priority for regeneration in policy JCS12. A major (20ha) site in east Norwich, Carrow Works is now also available for development following relocation of the previous occupier (Britvic /Unilever), and is located adjacent to the safeguarded site.

With the addition of Carrow Works, the East Norwich sites represent a transformative opportunity for the regeneration of this area and the wider city. An ambitious regeneration project is underway to create a sustainable new urban quarter for the city, supported by the preparation of a masterplan for east Norwich and a commitment to substantial future investment. The masterplan was completed in May 2022 and provides for over 3,600 new homes and 4,100 jobs across East Norwich. The masterplan and associated documents have informed emerging policy in the Greater Norwich Local Plan (GNLP) which identifies the major east Norwich sites, including the Deal Ground, Utilities site and Carrow Works, as a strategic regeneration area under policy 7.1, and an allocation under policy GNLP0360/3053/R10. It is anticipated that an East Norwich supplementary planning document will be adopted alongside or shortly after adoption of the GNLP in early 2024 to guide future regeneration of East Norwich.

Norwich City Council accepts the need to safeguard the railhead under policy MP10; however the minerals and waste plan should acknowledge its proximity to sensitive residential users and to the East Norwich Strategic Regeneration Area.

Suggested change: The minerals and waste plan should acknowledge the proximity of the Trowse Railhead and adjacent Lafarge plant to the East Norwich Strategic Regeneration Area and sensitive residential users. This could potentially be acknowledged in the explanatory text for MP10 (paragraph MP10.3) by amending

the second sentence to read: “Each decision will take into account the particular use of the safeguarded site, the nature of the proposed development, including its policy context and relationship to strategic regeneration opportunities.....”

NCC Planning Officer response: The safeguarded Trowse railhead is an existing, active site, and has been for many decades. The allocations mentioned in this representation, were all allocated with full knowledge of the railhead operations, and any future development of these sites would need to provide appropriate mitigation under the ‘agent of change’ principle so as not to prejudice the continuing railhead operations.

It is the responsibility of the Mineral Planning Authority to safeguard sites for the bulk transport of minerals. It would be for Norwich City Council, as the Local Planning Authority, to weigh up the planning balance of any planning application that comes forward within the Mineral Safeguarding Area for the Trowse rail head with the strategic regeneration opportunities referred to in this representation.

No representations received about the supporting text to Policy MP10.

Policy MP11. Mineral Safeguarding Areas and Mineral Consultation Areas

One representation received supporting Policy MP11:

Respondent: **Mineral Products Association** (M North) [Person ID: 17995]

Representation [Rep ID: 99298]: (Support)

The MPA supports this policy and the additional reference to the agent of change.

NCC Planning Officer response: Support noted.

Two representations received objecting to Policy MP11:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99488]: (Objection)

Silica Sand Safeguarding Programme

1. Silica sand mineral deposits in Norfolk are confined to a narrow linear band lying close to the eastern side of Kings Lynn and oriented in a north-south direction. The resource has been protected from the uncontrolled imposition of other developments by the Norfolk Safeguarding programme for silica sand (and carstone) as represented by the Safeguarding Map. All developments proposed to the Kings Lynn and West Norfolk Borough Council and adjacent District Councils within this area have to be permitted by the County Council. One potential problem is in the absence of democratic control of this process. It is administered by N.C.C. Minerals and Waste officers, although the map is published electronically. Public familiarity with the safeguarding map is uncommon and, as only one area of the County is involved, it should probably be more actively promoted, certainly among parish councils. It was a considerable surprise to the great majority of users of Shouldham Warren (AOS E) and West Bilney Wood (AOS D) when these sites were proposed for silica sand extraction. The failure to involve the public is not a 'sound' policy.

2. Presumably at the development of the silica sand safeguarding map (around 2004), it was decided that the two sites were unsuitable for consideration as open-cast mines because of their long history as important sites of public recreation. Both wooded areas were omitted from the map, leaving two lacunae within the otherwise homogeneous safeguarded area. There was no relevant N.C.C. comment in NMWLP documents when both were incorporated in suggested silica sand extraction AOS in both the Initial and Preferred Options consultations; in neither did this fact appear to play any role in the decision-making. Their prior long-term existence as heavily used public recreation areas also was not mentioned in any of the curated development documents.

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

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

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

3. The DEFRA document, A Guide to Mineral Safeguarding in England, published in 2007, is a useful explanatory text. Under Part 1, it states, "Key stakeholders, including communities, should be informed at the outset and kept informed During the process of creating an effective system." It does not appear that this ever occurred with the four village communities adjacent to Shouldham Warren, or with the wider user community. During the long gestation period of the NMWLP, there is no evidence of any intention to protect

Shouldham Warren in the cumulative documents, and there was little direct communication on this matter with local government.

4. The MCA/ MSA should be defined with the best available data. It is not clear whether new data from Sibelco UK is incorporated into the map. It is known that Sibelco has been conducting extensive bore hole investigations over a wide area during the last two years. Is a map update due, or is this information retained within the company? This is a relevant issue, as collaboration is supposed to suffuse the process. "Any modification by a mineral planning authority (MPA) to the BGS mineral resource outlines, such as decisions not to include a particular resource, or reduce or extend a resource boundary, will need to be based on robust and credible evidence to withstand the scrutiny of a public examination."

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

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

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

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

Suggested change:

1. The Norfolk Silica Sand Safeguarding map should be published annually to the village and town councils within West Norfolk and within a 15-mile radius of the Silica Sand and Carstone Mineral Safeguarding Area, as well as the respective District Councils. Any submission of an application to mine silica sand or Carstone

should result in immediate notification to all councils within a 10-mile radius. of the site, including transportation routes. One suggestion is to reverse the general ignorance of mineral safeguarding as regards this rare and strategically important mineral amongst parish/town councils, and taking the opportunity to educate the public. Otherwise, proposed licenses for mineral extraction are (often inadequately) released to an uninformed and unprepared population.

2. The attempt to avoid public accountability by the Mineral Planning Authority in proposing areas of long-term public recreational land-use for an AOS, without comment, when they had already been excluded from the MSA was an invalid act that was contrary to the rules related to open access land and irreplaceable landforms. Shouldham Warren (AOS E) and West Bilney Woods (AOS D) presented unique qualities for regional public recreation and a highly-valued landscape that could not be substituted from elsewhere - owing to the systematic loss of equivalent land over several centuries of sand mining in a limited mineral area. N.C.C. declined to discuss the issues in contravention of the NPPF. A confirmation of the 'permanent' removal of these two sites from the silica sand safeguarding map (and consideration) is sought. It is requested that the entire set of both consultee consultations and public "comments" that were submitted for both AOS E (including Shouldham Warren) and AOS D (including East Bilney Wood) be retained for at least 25 years, instead of the 4 years sanctioned by the NMWLP process, as they represent massive public and private involvement that has not been answered by the county authority. It is not lost on the public that the "suggested" criteria-based policy may encourage the return of extraction site applications involving these sites, but in the District Council planning process where some issues, such as public land-use, may be more difficult to affect owing to an absence of standing.

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

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

NCC Planning Officer response:

Response to point 1. A number of the statements made by Dr Ormerod are factually incorrect. Norfolk County Council, as the Minerals Planning Authority, is a consultee on planning applications determined by Norfolk's Local Planning Authorities where the application is located within a Minerals Safeguarding Area and the application site is over 2 hectares in size. Norfolk County Council does not permit these developments; the planning applications are determined by the relevant Norfolk Local Planning Authority, in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. This legislation specifies the requirement for public consultation on planning applications, and the procedure for decision making on applications which are made by elected councillors, subject to Local Authority approved schemes of

delegation. Therefore, there is not an absence of democratic control in the process legally required to be followed to determine planning applications.

The mineral safeguarding map is published online on Norfolk County Council's website as part of the adopted Policies Map. The principles underpinning the safeguarding map were discussed as part of the Examination in Public of the Minerals and Waste Development Framework in 2013 and found to be sound and legally compliant. As set out in paragraphs MP11.6 the Mineral Safeguarding Areas are based on the Norfolk Mineral Resources Maps produced by British Geological Survey. The concerns raised about consultations on the NM&WLP are responded to under representation ID 99530.

Response to point 2. The 2004 date is when the print version of the British Geological Survey mineral resources map was published. The BGS dataset used as a basis for the Mineral Resource safeguarding map was created using this baseline with amendments from additional mineral records submitted to the BGS since that time. The respondent has incorrectly inferred that the two gaps in the silica sand resource area within West Bilney Woods and Shouldham Warren are the result of land use, the BGS mapping does not take into account land use, the areas excluded from the silica sand safeguarding map are due to the superficial geology not showing a silica sand resource in these locations (due to the silica sand being overlain by Carstone). The BGS map does not make assumptions regarding the economic viability of extraction from under superficial deposits, and only shows surface mineral resources. The Mineral Safeguarding Map is only based on geology and no land use or other designation are considered, as this is not appropriate for its purpose, in safeguarding mineral resources.

Response to point 3. All parish and town councils in Norfolk were consulted at each stage of the development of the NM&WLP, as well as the Local Planning Authorities within and adjacent to Norfolk and mineral operators.

Response to point 4. Whilst Sibelco UK Ltd have been conducting borehole investigations, this information has only been provided to Norfolk County Council by Sibelco in relation to their proposed site SIL 02 (in 2017) and their omission site Charity Field and their omission Preferred Area South of the A47 (in 2022). This information has been provided to Norfolk County Council on the basis that it is commercially confidential. As the purpose of the Mineral Resource safeguarding map is to identify those areas where mineral resources occur that require Local Planning Authorities to consult the Mineral Planning Authority on non-mineral planning applications and the areas covered by the additional boreholes are already within the Carstone Resource Area then such consultation would already take place.

As part of the Local Plan process NCC carried out a 'call for mineral extraction sites' and the only sites that were proposed for silica sand were MIN 40 at East Winch and SIL 01 at Bawsey (which are both allocated in the adopted Minerals Site Allocations Plan and in the Publication version of the NM&WLP) and area SIL 02 at Shouldham and Marham which is unsuitable for allocation as set out in the Silica Sand Topic Paper.

Response to point 5. This comment is not relevant to the mineral safeguarding policy. The criteria-based policy approach to silica sand is contained in Policy MPSS1. Further background information is provided in the Silica Sand Topic Paper (2022). Planning applications for silica sand extraction would still be submitted to Norfolk County Council (not the district council) for determination as happens currently.

Response to point 6. The safeguarding approach carried out by Staffordshire County Council is noted. The safeguarding of mineral resources is a separate process to the identification of areas of search for future mineral extraction. The approach used to define potential areas of search for future silica sand extraction is set out in the Silica Sand Topic Paper (2022). The criteria-based policy approach to silica sand is contained in Policy MPSS1.

Response to Suggested change point 1. The Mineral Safeguarding Map is available to view on Norfolk County Council's website and is therefore available to view by any interested person or organisation, including town and parish councils and Local Planning Authorities, all the time. The approach to consultations on planning applications are set out in the County Council's [Statement-of-community-involvement-2022](#) and not in the NM&WLP. The Local Planning Authority and the Town and Parish Councils that are directly or indirectly affected by the planning application are notified of the consultation on the planning application. It is not considered necessary or proportionate to consult all councils within 10 miles of an application site and no

councils have requested this. Useful information on silica sand is contained in the British Geological Survey's [Mineral Planning Factsheet Silica Sand \(bgs.ac.uk\)](https://www.bgs.ac.uk/mineral-planning-factsheet-silica-sand/).

Response to Suggested change point 2. Land at Shouldham Warren (AOS E) and West Bilney Woods (AOS D) are not allocated in the Publication version of the NM&WLP. Shouldham Warren and West Bilney Woods are identified as being underlain by an inferred silica sand resource, the majority of this as a superficial deposit. However, the purpose of the mineral safeguarding map is to determine whether the Mineral Planning Authority needs to be consulted on non-mineral planning applications received by the Local Planning Authority. As land use is not taken into account in the resource mapping there is no justification for excluding Shouldham Warren or West Bilney Woods from the silica sand safeguarding map.

The responses received from statutory consultations and individuals to consultations on the NM&WLP cannot be retained for 25 years due to the General Data Protection Regulations, which state that responses can only be retained for the purpose for which they were made and only for so long as is necessary. The adopted Norfolk Statement of Community Involvement (2022) states that "in accordance with the requirements of government regulations...we will hold the information for use in the planning process for a 4-year period following the decision". In terms of the NM&WLP the decision date would be when the Plan is adopted by Norfolk County Council. The [Planning Services privacy notice - Norfolk County Council](#) states that we will retain information including personal data for a minimum of 4 years at which point we will determine whether the information should be archived in the public interest or securely destroyed. The criteria-based policy approach to silica sand is contained in Policy MPSS1. Planning applications for silica sand extraction would still be submitted to Norfolk County Council (not the district council) for determination as happens currently.

Response to Suggested change point 3. This comment is not relevant to the mineral safeguarding policy. The safeguarding of mineral is a separate process to the identification of areas of search for future mineral extraction.

Response to Suggested change point 4. The policy to safeguard mineral resources from inappropriate development proposals is a separate process to the identification of areas of search for future mineral extraction. The map of the mineral safeguarding areas is based on the British Geological Survey (BGS) Mineral Resources Map 2004 as amended by the BGS DiGmapGB-50 dataset. The accuracy of the mineral resource in these BGS maps is only to a scale of 1:50,000 and therefore greater granularity is not possible. The resource shown on the Mineral Resource safeguarding map as the Silica Sand resource includes the whole superficial resource that occurs in Norfolk. Silica sand is not a heterogenous resource; different beds of mineral have different characteristics, are suitable for different uses, and are not generally interchangeable between uses. The resource in Norfolk is made up of two broad silica sand resource classifications; the Leziate Beds which are used as glass sand due to their grain shape and chemical composition, and the Mintlyn Beds which were traditionally used as foundry sand as they have a grain shape suited to this use. There is the potential for silica sand to be located at greater depths, however the BGS mineral resource mapping consists of only superficial deposits as it does not make any assumptions about the viability of extraction from under a depth of overburden. It is not part of Norfolk County Council's statutory responsibility for minerals planning to carry out mineral surveying. Nationally, the British Geological Survey is responsible for mineral surveying and the collation of borehole logs carried out by private companies which are then incorporated into its geological mapping. For mineral extraction sites, the planning system places the onus on the promoter of the site to provide sufficient evidence of the deliverability of the site. Therefore, it would be for the mineral company to carry out borehole testing and submit proposed sites for allocation and development.

Respondent: **Taylor Wimpey UK Limited & Manor Farm Rackheath Ltd.** [Person ID: 21960] Agent: **GP Planning Limited** [Person ID: 21959]

Representation [Rep ID: 99352]: (Objection)

Paragraph MP11.1 - the quote from National Planning Policy Framework (paragraph 210) omits reference to Mineral Consultation Areas: c) safeguard mineral resources by defining Minerals Safeguarding Areas and Mineral Consultation Areas; and adopt appropriate policies so that known locations of specific mineral

resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);

There are two issues with the wording/content of the policy MP11. Firstly, the final paragraph is not in line with NPPF. Stating that the Mineral Planning Authority will object regardless of any other factors is clearly wrong and contrary to policy. NPPF at paragraph 12 states: Local Planning Authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working." Nowhere in the NPPF or Planning Practice Guidance (PPG) does it state that MPAs should object to every application that would lead to sterilisation, which is basically what the draft policy is saying. This also sits contrary to the supporting text at paragraph MP11.11.

Secondly, the link to Appendix 10 in the third paragraph of the policy will cause problems for some developments. Appendix 10 basically reiterates the guidance note referred to above. At least in this case it allows interested parties to comment on its content, unlike the current Plan where neither the policy nor the supporting text refers to the Guidance Note on the Mineral Safeguarding Process for Aggregates -Sand & Gravel and Carstone (2014). This note is referred to on the Council website but has no statutory status as it was not subject to any consultation. Therefore it does not form part of the development Plan. It is also noted that the 'link' to the document only takes you to the Core Strategy, so it is not actually available through the main website pages.

In general, the proposed Appendix 10, is too onerous and rigid and does not follow BGS advice, which is cross-referenced in PPG. Of particular concern is paragraph 4.11 in Appendix 10: "The assessment of the onsite mineral resources would require the addition of Particle Size Distribution (PSD) tests of batches of any sand and gravel bearing deposits recovered, although this is often carried out for the FRA. Assessment of the results of Particle Size Distribution testing should refer to material class types in Table 6/1 of the Manual of Contract Documents for Highway Works vol 1: Specification for Highway Works Series 600. to identify potential suitability for use in the construction phases."

This is a very onerous requirement, particularly for smaller developments, where an FRA or boreholes may not be needed as part of the site assessment.

In addition, the statement at the end of paragraph 10.5.2 (in the Appendix) that "Assessing the practicality of prior extraction as a standalone operation is to assess a false premise" is neither clear nor helpful.

The imposition of MMP-Ms through condition (requiring PSD testing) would be onerous and very difficult to manage on a large phased development. If a developer is required to produce a plan to cover every phase, including boreholes and having the material tested this will be an extremely onerous task and could prejudice the delivery of non-mineral related development (e.g. housing).

Suggested change: The policy should be reworded to be in line with the NPPF:

"The County Council will safeguard Norfolk's silica sand, carstone, and sand and gravel mineral resources, within the Mineral Safeguarding Areas identified on the Policies Map, from inappropriate development proposals. For mineral resources the Mineral Consultation Area is the same defined area as the Mineral Safeguarding Area. The Mineral Planning Authority should be consulted on all development proposals within Mineral Consultation Areas, except for the excluded development types set out in Appendix 4. For relevant development proposals located within a Mineral Safeguarding Area the Mineral Planning Authority will expect to see [delete: appropriate] [insert: proportionate] investigations carried out to assess whether any mineral resource there is of economic value, and if so, whether the mineral could be economically extracted prior to the development taking place. This information should be provided through the submission of a Mineral Resource Assessment (MRA) [delete: as set out in Appendix 10]. The conservation benefits of carstone will be a consideration in safeguarding resources. [delete: In line with the NPPF] The Mineral Planning Authority, [delete: will object to development] [insert: through consultation and review of the MRA, will provide an objective response to development] which would lead to the sterilisation of the mineral resource, and it would be for the relevant Local Planning Authority to decide whether there are compelling planning reasons for over-riding this safeguarding objection."

NCC Planning Officer response: We will propose a minor modification to paragraph MP11.1 to include the full quote from paragraph 210 (c) of the NPPF (2023) for clarity. The respondent states that the position in Policy MP11, that the MPA would object to any planning applications which do not comply with the safeguarding requirements, is not in accordance with the NPPF. However, Norfolk County Council (NCC) as the MPA considers that the policy is in accordance with paragraph 210 part (c) of the NPPF which states: “...adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided...”. Furthermore, the Mineral Products Association/Planning Officers Society published mineral safeguarding guidance states in paragraph 4.25 that “An inadequate Minerals Resource Assessment, or failure to demonstrate compliance with policy could lead to an objection to the development by the Minerals Planning Authority”. The LPA determines the planning application taking into account the development plan and other material considerations in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, and section 70(2) of the Town and Country Planning Act 1990. An objection by the MPA as the Statutory Authority for mineral planning would be a material consideration. We consider that Policy MP11 is in accordance with the NPPF paragraph 212 which states ‘Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working’.

The respondent states that the Appendix 10 paragraph 4.11 requirement to carry out PSD testing is an onerous requirement. However, NCC as the MPA considers that the policy is in accordance with published advice from the BGS, the published safeguarding guidance from the Mineral Products Association/Planning Officers Society, and that contained within the PPG, regarding the need to establish the quality of mineral underlying a proposed non-mineral development within a Mineral Safeguarding Area, and the need for a Mineral Resource Assessment to be carried to an acceptable standard and by an appropriately qualified professional. It is not considered to be an onerous requirement because a Flood Risk Assessment (FRA) would be required for all developments over 1 hectare and the policy only applies to developments over 2 hectares, therefore all developments would need to carry out an FRA. It is not possible to assess the quality of the mineral without PSD testing, and some site investigation would be required for both the FRA and to determine ground conditions so that an appropriate strategy for construction elements such as foundations can be designed. The last sentence within Paragraph 10.5.2 of Appendix 10 means that a Mineral Resource Assessment should be assessing prior extraction before, or as part of, the non-mineral development not as a commercial mineral operation (see Mineral Products Association/Planning Officers Society paragraphs 4.24 & 4.35). The imposition of MMP-Ms (Materials Management Plan – Minerals) through condition has been part of the mineral resource safeguarding process enabled by the adopted Norfolk Minerals and Waste Core Strategy Policy CS16 since 2013, and there are many successful examples. It is carried out regularly on planning applications for non-minerals development located on a Mineral Safeguarding Area including large-phased development, and it has not been found to prejudice the delivery of non-mineral development such as housing.

With regards to the suggested changes to the Policy wording; as detailed above we consider that the Policy as written is sound and legally compliant; and that the suggested changes are not required.

Two representations received commenting on Policy MP11:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99239]: (Comment)

We welcome the reference to the conservation benefits of carstone.

NCC Planning Officer response: Noted.

Respondent: **Sibelco UK Limited** (Lewis Williams) [Person ID: 18360]

Representation [Rep ID: 99473]: (Comment)

We support the inclusion of a mineral safeguarding and mineral consultation policy but believe the policy wording should be amended as set out below. The changes set out below are suggested to ensure adequate

protection of mineral resources in accordance with paragraph 210 of the NPPF. In particular, the additional text reflects the national and strategic importance of Norfolk's silica sand resource with particular reference to colourless glass production. This would allow the Council to consult with mineral operators to seek their technical industrial knowledge of minerals to best ensure effective safeguarding. This is an approach taken by Devon County Council in response to the existence of nationally important ball clay resources.

Suggested change: Proposed changes to first policy paragraph: "The County Council will safeguard existing, permitted and allocated mineral extraction sites from inappropriate development proposals. Mineral Consultation Areas are delineated on the Policies Map and extend to 250 metres from each safeguarded site. Development proposals within 250 metres of a safeguarded site should demonstrate that they would not prevent or prejudice the use of the safeguarded site for mineral extraction and the 'agent of change' principle will be applied in all such cases. [insert: 'In consultation with mineral operators'], the County Council will object to development proposals which would prevent or prejudice the use of safeguarded sites for mineral extraction.

Proposed changes to last policy paragraph: In line with the NPPF, the Mineral Planning Authority, [insert: 'in consultation with mineral operators'], will object to development which would lead to the sterilisation of the mineral resource., [delete: 'and it would be for the relevant Local Planning Authority to decide whether there are compelling planning reasons for over-riding this safeguarding objection.']

It is considered that the delineation of the Mineral Safeguarding Area and subsequently the Minerals Consultation Area should be amended on the Policies Map as silica sand resources known to Sibelco occur outside of the area proposed to be safeguarded for silica sand. This is reflected by the extent and location of sites contained within the 'Proposed Silica Sand Allocations Norfolk County Council Minerals and Waste Local Plan Publication Document Consultation Supplementary Information Report'. The supporting geological information supports this conclusion. On this basis it is considered that the following geological areas in the British Geological Survey (BGS) Geology 50K (DigMapGB-50) mapping should be safeguarded for silica sand:

- Leziate Member,
- Mintlyn Member and
- Carstone Formation.

Advice produced by the BGS (Mineral Safeguarding in England: Good Practice Advice (British Geological Survey, 2011) and reference in PPG Paragraph: 003 Reference ID: 27-003-20140306 states that where available other data should be incorporated into the process of defining mineral safeguarding areas. This other data is set out in paragraph 4.1.4 of the BGS advice documents and includes, "exploration data from industry that is not held by BGS, such as shallow borehole information and trial pit investigations." It is on this basis the safeguarding area for silica sand should be extended to incorporate the above mentioned geological areas.

NCC Planning Officer response: Policy MP11 safeguards both mineral resources and mineral extraction sites and it follows the principles set out in the existing adopted Norfolk Minerals and Waste Core Strategy Policy CS16 'Safeguarding mineral and waste sites and mineral resources'. We consider that the policy is appropriate, proportionate, sound and capable of delivery.

Sibelco suggests a change in text to the first paragraph of the policy to add a requirement for the Mineral Planning Authority (MPA) to consult with mineral operators on planning application which would prevent or prejudice the use of safeguarded sites, however, neither paragraph 210 of the NPPF nor the Planning Practice Guidance (PPG) suggest or require this. Planning applications are subject to public consultation, so mineral operators can respond, in their own right. It would be more appropriate for mineral operators to respond directly to the Local Planning Authority on non-mineral planning applications that they consider raise safeguarding issues related to their own sites, as they may which to make observations based on their commercial interests.

Sibelco suggests a change to the last paragraph of the policy to add a requirement for the MPA to consult with mineral operators on planning applications which would lead to the sterilisation of the mineral

resource, however, neither paragraph 210 of the NPPF nor the PPG suggest or require this. Whilst we recognise that Sibelco is the only silica sand operator in Norfolk, there are many mineral companies extracting sand and gravel in Norfolk and it is not practical or necessary for the MPA to contact all mineral operators on every planning application over 2 hectares in size located on a safeguarded mineral resource before responding to that planning consultation.

Sibelco also suggest deleting the policy text stating that it would be for the relevant LPA to decide if there are compelling planning reasons for overriding a safeguarding objection made by the MPA. The current policy wording is factually correct because it recognises that the LPA would be the determining authority for a non-mineral application, and therefore, it is for them to decide if there were material planning considerations that would mean it was appropriate to depart from the Development Plan. This is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The BGS document “A guide to mineral safeguarding in England” (2007) sets out on page 10 that a material consideration that would allow permission to be granted within a mineral safeguarding area would include ‘an overriding need for the incompatible development’, which would be for the LPA as determining authority to decide.

Sibelco suggested amendments to the extent of silica sand resource safeguarding. However, the Leziate member and Mintlyn member are already included in their entirety within the current adopted and proposed silica sand Mineral Safeguarding Area (MSA), which is also a Mineral Consultation Area (MCA). The Carstone formation is also included as an MSA/MCA. Furthermore, whilst Sibelco have suggested that the whole of the Carstone formation is also safeguarded for silica sand, the purpose of the existing MSA/MCA is to require the borough council to consult with the Mineral Planning Authority on non-mineral planning applications. It would also be disproportionate to consider safeguarding the whole of the Carstone formation for silica sand as while Sibelco has supplied additional information on some small parts of the resource this does not provide sufficient information to justify an extension of the silica sand safeguarding area to cover the whole Carstone Formation.

No representations received about the supporting text to Policy MP11.

Implementation, monitoring and review

No representations received about this section.

Appendix 1. Existing Core Strategy and Development Management Policies

No representations received about Appendix 1.

Appendix 2. Existing Mineral Site Specific Allocations Policies

One representation received commenting on Appendix 2:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99127]: (Comment)

Appendix 2 – I am not sure what these are. Are you saying that these policies in another document will still be in place? They have not been reviewed, but left as is? So this Local Plan is additional to these policies? Where are these saved policies? This is not clear and might need explaining better. For example, I searched the document for ‘Appendix 2’ and the only two occurrences are the title of Appendix 2 and the contents page.

NCC Planning Officer response: These appendices list the existing policies in the three adopted Norfolk Minerals and Waste Development Plan Documents and whether they will be deleted or replaced when the new NM&WLP is adopted. They are not saved policies and they will not still be in place when the new

NM&WLP is adopted. The new NM&WLP is not in addition to these policies. A new sentence will be included in Appendix 1, Appendix 2 and Appendix 3 to explain this as a minor modification.

Appendix 3. Existing Waste Site Specific Allocations Policies

No representations received about Appendix 3.

Appendix 4. Development excluded from safeguarding provisions

No representations received about Appendix 4.

Appendix 5. Safeguarded mineral infrastructure

No representations received about Appendix 5.

Appendix 6. Safeguarded mineral extraction sites (2021)

No representations received about Appendix 6.

Appendix 7. Safeguarding waste management facilities by district (2021)

No representations received about Appendix 7.

Appendix 8. Safeguarded water recycling centres (2021)

No representations received about Appendix 8.

Appendix 9. Schedule of requirements for MIA and WMFIA

No representations received about Appendix 9.

Appendix 10. Implementation of mineral safeguarding and mineral consultation areas policy

No representations received about Appendix 10.

Appendix 11. Forecast waste arisings

No representations received about Appendix 11.

Appendix 12. Glossary

One representation received objecting to Appendix 12:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99542]: (Objection)

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 paragraphs 98 and 99 are quoted. 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.

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "legal compliance" and of administrative "soundness."

2. The main problem with public representation involves the failure to recognize the long-term public recreational landuse interest in Shouldham Warren, part of AOS E. The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood.

Suggested change: 20. Local "Amenity": this term is used frequently throughout the detailed planning documents, e.g Policy M.51.1: Amenity. It is used in these documents almost exclusively to mean the amenity of the land within the village boundaries, whereas this restriction is not supported in the National Planning Policy Framework. Amenity should also include the local landforms provided for recreational pursuits and other open-access areas. May I suggest this important change? It would also be useful in the Sustainability Appraisals and Scoping Reports.

NCC Planning Officer response: In planning terms amenity is usually used to refer to the quality or character of a property or area and elements that contribute to the enjoyment of a property or area. For the assessments that have been carried out for the proposed mineral extraction sites and areas, the paragraph titled 'amenity' is focused on the assessment of the proposed development on residential amenity. The proposed mineral extraction sites and areas have been assessed in separate paragraphs on their potential effect on local landscape character and on Public Rights of Way. For Area of Search E (which is not allocated in the Publication version of the NM&WLP) landscape, Public Rights of Way and permitted access were assessed in paragraphs E.7 and E.8 of the NM&WLP Preferred Options Consultation document. The Sustainability Appraisal objectives cover impact on residential amenity in SA3 and SA9 and impact on public rights of way and public open space in SA9 and SA4. Policy MW1 'Development Management Criteria', which would apply at the planning application stage, requires mineral development proposals to demonstrate that the development would not have an unacceptable impact on public open space, local green space, the definitive rights of way network and outdoor recreation facilities, as well as local amenity.

Mineral extraction site allocations:

One representation received objecting to the Sand and gravel paragraph of this chapter:

Respondent: **Miss Helen Gough** [Person ID: 17772]

Representation [Rep ID: 99211]: (Objection)

This paragraph states the shortfall being 12.6m tonnes is less than the estimated resource of 15.4m tonnes, in effect this means that the Haddiscoe site could be removed and still there would be an excess.

NCC Planning Officer response: Policy MP1 states that sites for at least 12.597 million tonnes of sand and gravel will be allocated in the NM&WLP to meet the forecast need for aggregates during the Plan period to 2038. The sites allocated in the Publication version of the NM&WLP contain an estimated sand and gravel resource of 15.4 million tonnes available during the Plan period to 2038 which provides some flexibility for the delivery of the allocated sites. This includes the estimated resource of 1.3 million tonnes of sand and gravel at the MIN 25 Haddiscoe site.

One representation received commenting on the Sand and gravel paragraph of this chapter:

Respondent: **Breedon Trading Limited** (Shaun Denny) [Person ID: 21948]

Representation [Rep ID: 99215]: (Comment)

The references to the planning status of the Attlebridge and Haddiscoe sites should be updated. Attlebridge is current not subject to a planning application whilst the Haddiscoe site is (submitted November 2022).

NCC Planning Officer response: Noted. As stated in the table, the planning status of each site allocation is listed as at the end of 2021. An update will be proposed as a minor modification.

Policy MIN 12 Chapel Lane, Beetley

Three representations received objecting to Policy MIN12:

Respondent: **Beetley Methodist Chapel** (John Hull) [Person ID: 21910]

Representation [Rep ID: 99084]: (Objection)

Ref: MIN12 Beetley - The Methodist Chapel, at the junction of High House Road and Chapel Lane, faces the proposed site. It is a well-used building. It is essential that the restrictions suggested are complied with, in particular the stand-off area to the south, the screening, landscaping and dust mitigation. Transportation by HGV should be restricted to the B1146 and banned from using High House Road.

Suggested change: Though it would be preferable for the Chapel for this development not to go ahead, it would seem that the mitigation issues, provided they are complied with, will at least restrict the potential disruption to what is at present a quiet rural area. A change that would improve the issue would be to enlarge the stand-off area. This would help both the chapel and the two dwellings nearby.

NCC Planning Officer response: Noted. Specific Site Allocation Policy MIN 12 (a) requires “the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust.

In terms of vehicle movements, Policy MIN 12 (b) requires the existing processing plant site to be used and for it to be accessed by an extension to the current conveyor. Therefore, mineral extracted from site MIN 12 would be transported to the existing plant site by conveyor and not by HGV. Processed mineral would be transported from the plant site on Rawhall Lane by vehicle onto the B1146 Fakenham Road. The site is proposed as an extension to the existing mineral working. Policy MIN 12 (d) requires the site to be phased with the adjacent permitted site so that only one site is worked for extraction at a time. This means that the number of vehicle movements is expected to remain the same as existing but continue for a longer period as mineral extraction at site MIN 12 is estimated to take 15 years. The proposed highway access is considered to be suitable by the Highway Authority.

The stand-off areas for MIN 12, shown on the Policies Map as ‘indicative site buffers’, were proposed by Middleton Aggregates Ltd when they submitted the site for inclusion in the NM&WLP. At the planning application stage, when more detailed site assessments will be available, the proposed landscaping of the site (including the stand-off areas) will be assessed by the County Planning Authority, taking into account the findings of the noise and dust assessments, the Heritage Statement and the Landscape and Visual Impact Assessment which are all required to be provided by the applicant at the planning application stage.

In terms of landscaping and screening, Policy MIN 12 (c) requires the submission of a detailed landscaping and screening scheme at the planning application stage. This scheme must ensure there are no unacceptable impacts on residents of Chapel Road and Fakenham Road/Church Lane specifically, users of Field Lane, and the landscape generally, and that the settings of nearby listed buildings are protected.

Respondent: **Beetley Methodist Chapel** (John Hull) [Person ID: 21910]

Representation [Rep ID: 99218]: (Objection)

Minerals and Waste Local Plan – MIN 12 Land north of Chapel Lane, Beetley

Further to my submission sent on 18th October, with the extension until the 18th December, I would like to add additional detail.

1. We are disappointed and do not understand how this proposal has once more come forward when it was declined just four years ago.
2. Sand and gravel resources are widespread throughout most of Norfolk.

3. This is the second extension of a Middleton Gravel site that has progressively expanded to the south east. Whilst this may provide some economic benefits to the mining company, it is inexplicable why the proposed site has been extended up to the Beetley village boundary when resources are common in Norfolk. Shouldn't Middleton Gravels be asked to find another site that is away from village boundaries, for such sites undoubtedly do exist. Why is a small village abused in such a way?

4. I understand that it is customary with minerals site extensions for there to be planning conditions that a new phase is not opened until the earlier site has been officially closed and restored to the conditions set out in the original permit. In this case, the first site, while apparently no longer in use, has not been restored at all. The second site is still in active use. Can it be presumed that if the new site goes forward, that it cannot start until mining the prior site is completed?

5. Furthermore, this new site has begun to interpose itself between Old Beetley and (new) Beetley village, which is surely not acceptable in civic terms.

6. Beetley Chapel was founded in 1871 as the Primitive Methodist Chapel for Beetley. The evangelist Primitive Methodist churches were often established at the end of fields to serve their agrarian members. This explains why it is situated where it is, and why some respect needs to be afforded to its 151 years of service. There are also several houses adjacent.

7. A buffer zone is proposed up against the Chapel, but there is no indication as to how deep it is. From the map, it does not appear very deep. An obstruction to viewing, as well as noise and dust, can be expected should this mining site (MIN12 land north of Chapel Lane, Beetley) go forward. On open fields, this is usually in the form of a bund. However, bunds do not work well on downward sloping fields. We therefore request that any bund is placed just over the top of the hill – this would keep the site out of visibility. We also request routine use of silencers on heavy equipment, and dust suppression that takes into consideration the siting of the mine near the top of an incline and with the prevailing winds leading to the Chapel area.

8. We would request that there should be no work after 12 noon on Saturday and an absolute prevention of Sunday working. This of course would not stop interference with events on week days.

I trust that our concerns will be taken with the utmost seriousness and thank you for your attention.

NCC Planning Officer response: 1. The proposal was not declined 4 years ago. The land at MIN 12 has been allocated for mineral extraction in the adopted Norfolk Minerals Site Specific Allocations Plan since 2013 and has been reassessed as part of the production of the NM&WLP.

2. and 3. As part of the production of the NM&WLP a 'call for mineral extraction sites' was carried out and all the sites submitted for consideration in Norfolk, by a range of mineral operators and landowners, have been assessed and consulted upon. The sites considered suitable and deliverable for mineral extraction during the plan period to 2038 have been included for allocation in the publication version of the NM&WLP to meet the forecast need. Middleton Aggregates Ltd currently operate mineral extraction sites in Pentney and Middleton as well as in Beetley.

4. Policy MIN 12 (d) requires the site to be phased with the adjacent permitted site so that only one site is worked for extraction at a time in accordance with a phased and progressive working and restoration scheme. The site to the north of Rawhall Lane is used as the processing plant site for the mineral extracted from the current mineral extraction on land south of School Road. Land to the north of School Road has already been worked and restored.

5. The mineral extraction is a temporary phased operation. For MIN 12 extraction of the mineral resource is expected to take 15 years. Policy MIN 12 (d) requires the site to be phased with the adjacent permitted site so that only one site is worked for extraction at a time in accordance with a phased and progressive working and restoration scheme. Both site MIN 12 and the existing mineral working to the north of MIN 12 will be restored in phases, primarily back to agriculture, when mineral extraction is completed. This is controlled by planning conditions on permitted mineral extraction sites.

6 and 7. Noted. Policy MIN 12 (a) requires the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts at the planning application stage. Policy MIN 12 (c) also requires the submission of a detailed landscaping and screening

scheme at the planning application stage, which ensure there are no unacceptable impacts on residents of Chapel Road and Fakenham Road/Church Lane specifically, users of Field Lane, and the landscape generally, and that the settings of nearby listed buildings are protected. Policy MIN 12 (e) also requires the submission of an acceptable progressive restoration scheme to a lower level back to agriculture. A Landscape and Visual Impact Assessment would also be required to be submitted at the planning application stage. The Policies Map shows the 'indicative site buffers' (unworked areas) for MIN 12, which were proposed by Middleton Aggregates Ltd when they submitted the site for inclusion in the NM&WLP. At the planning application stage, when more detailed site assessments will be available, the proposed landscaping of the site (including unworked buffer zones, planting and bunding) will be assessed by the County Planning Authority, taking into account the findings of the noise and dust assessments, the Heritage Statement and the Landscape and Visual Impact Assessment which are all required to be provided by the applicant at the planning application stage.

8. If permitted, then the operational hours of the site will be limited by planning condition. For your information, the operational hours in the planning permission for the existing site on land to the north of School Road, Beetley (C/3/2014/3018) are 07:00 to 18:00 Mondays to Fridays. No operations are permitted on Sundays or public holidays.

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99342]: (Objection)

The supporting text states that due to the site being 1.16km from the Beetley and Hoe Meadows SSSI site boundary, and being one of the finest remaining areas of wet unimproved grassland in Norfolk, the proposed extraction would be worked dry, above the water table. Also, Dillington Carr, Gressenhall SSSI is 1.44km from site boundary, CWS1027 Gressenhall Green Marshes is 730m from site boundary and Great Wood ancient woodland is 1.28km from the allocation. However, no specific condition is included in MIN12 to ensure that the site will only be worked dry above the water table.

Suggested change: In order to ensure that the plan does not result in impacts on SSSIs, CWS and ancient woodland, we request specific inclusion in the policy wording that the site will only be worked above the water table. Policy MIN 200 includes such wording, so in order to ensure that the policy is effective and doesn't inadvertently promote development in conflict with nature conservation laws and policy, and is consistent with the precautionary approach taken in other policy text wording, we strongly recommend that this condition is added to this policy.

NCC Planning Officer response: Noted. A modification will be proposed to include this requirement in Policy MIN 12.

Four representations received commenting on Policy MIN 12:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99427]: (Comment)

We note that for MIN12 it is currently stated that the site is "proposed to be restored at a lower level and returned to arable agriculture. Restoration would include wide field margins, new hedgerows and some woodland". These allocations are stated as being of Grade 3 agricultural land quality and so it is unclear as to whether or not this is BMV land (i.e. sub-grade 3a). If not, then it could be beneficial in terms of nature recovery in this area to explore whether the restoration of these sites could further complement/expand on the nature recovery ambitions of the nearby Wendling Beck Environment Project [<https://www.wendlingbeck.org/>] to deliver more habitat creation in this area which is bigger, better and joined up in line with the Lawton principles [Making Space for Nature: (nationalarchives.gov.uk) [https://webarchive.nationalarchives.gov.uk/ukgwa/20130402170324mp_/http://archive.defra.gov.uk/environment/biodiversity/documents/201009spacefor-nature.pdf].

NCC Planning Officer response: Noted. A soil survey would be required to be submitted at the planning application stage to determine whether the land is Grade 3a or 3b. Restoration proposals must demonstrate that 'the scheme provides for a biodiversity net gain, primarily through the creation or enhancement of

priority habitats and linkages to local ecological networks and green infrastructure corridors' in accordance with Policy MP7.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99240]: (Comment)

Whilst there are no designated heritage assets within the site boundary, there are three listed buildings to the east of the site, including the Grade I listed Church of Mary Magdalene and Old Hall and Beetley Hall, both listed at grade II. Given the open nature of the landscape in this area, extraction at the site could have an impact on the wider setting of the church. We welcome the specific reference to the nearest heritage assets to read 'heritage assets and their settings (including the grade I listed Church of Mary Magdalene and grade II listed Old Hall and Beetley Hall)...

NCC Planning Officer response: Noted.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99462]: (Comment)

MIN 12 - This is an extension of an existing site, Breckland DC has no objections.

NCC Planning Officer response: Noted.

Respondent: **Gressenhall parish council** (L Jarrett) [Person ID: 7945]

Representation [Rep ID: 99511]: (Comment) We note that MIN12 is put forward by Middleton Aggregates as an extension to their existing operation which will take mineral back to their long established plant site due north of Gressenhall Village. We note that this has estimated minerals of well in excess of 1million tonnes and that this allocation will enable the Middleton Aggregates pit to continue to be served well beyond the plan period to 2036. As such we do not have an objection with this allocation. We consider that the NPP guidance as set out above therefore fully supports our contention that you should support MIN12 but reject MIN13 and MIN51.

NCC Planning Officer response: Noted.

One representation received commenting on paragraph M12.15 of the supporting text to Policy MIN 12:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkq>

Representation [Rep ID: 99182]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN12 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangements.

Policy MIN 51/13/08 Beetley

One representation received supporting Policy MIN 51/13/08:

Respondent: **Longwater Gravel Co. Ltd.** (Simon Smith) [Person ID: 9381]

Representation [Rep ID: 99286]: (Support)

Longwater Gravel Company Limited supports the allocation of MIN 51, MIN 13 and MIN 08. A planning application for these sites has now been submitted.

NCC Planning Officer response: Support noted.

Two representations received objecting to Policy MIN 51/13/08:

Respondent: **Gressenhall parish council** (L Jarrett) [Person ID: 7945]

Representation [Rep ID: 99335]: (Objection)

Summary: Given that Middleton Aggregates operate a pit next door and mindful of the existence of a second independent based 2 miles away, we see no case for the introduction of another operator. There is plenty of competition in existence able to service the local market and we see no case for that changing. We note the NPP Guidance identifies the need for the mineral in the specific representation; the economic considerations; the positive/negative environmental impact; and accumulative impact of proposals in an area. We consider the guidance supports our contention that you should support MIN12 but reject MIN13 and MIN51.

Full response:

1. You have kindly drawn our attention to the consultation on the Norfolk Minerals and Waste Local Plan.
2. This response is on behalf of Gressenhall Parish Council whose interest is in MIN12; MIN13; MIN51 and MIN08.
3. We note that MIN12 is put forward by Middleton Aggregates as an extension to their existing operation which will take mineral back to their long established plant site due north of Gressenhall Village. We note that this has estimated minerals of well in excess of 1million tonnes and that this allocation will enable the Middleton Aggregates pit to continue to be served well beyond the plan period to 2036. As such we do not have an objection with this allocation.
4. MIN13 and MIN51 have been put forward by a different mineral operator on the basis that the new operator would need to establish its own plant on site.
5. Given that Middleton Aggregates are operating a pit immediately next door and mindful also of the existence of a second independent mineral operator namely McLeod Aggregates who are based approximately 2 miles away on the western side at Bittering, we see no case whatsoever for the introduction of a third operator in this location.
6. By definition there is plenty of competition in existence already with two operators able to service the local market and we see no case for that situation changing. Accordingly we object to the application of MIN13 and MIN51 within the Local Plan.
7. With regard to MIN13 and MIN51, we note the National Planning Practice Guidance which considers the circumstances under which it is appropriate for planning authorities to focus on extensions to existing sites rather than new sites. This guidance goes on to identify the need for the mineral in the specific representation; the economic considerations; the positive and negative environmental impact; and accumulative impact of proposals in an area.
8. We consider that the NPP guidance as set out above therefore fully supports our contention that you should support MIN12 but reject MIN13 and MIN51.
9. Immediately due south of MIN13 and MIN51 is an allocation referred to as MIN08 which we understand has been put in by the landowner. This site does include land owned by the Gressenhall Poors Charity and the extent of the Charity's ownership is shown on the enclosed plan being towards the northern end of MIN08.

10. Gressenhall Poors Charity has made no representation to the Minerals Local Plan and no doubt the Trustees of that Charity will write and confirm this point to you.

11. Notwithstanding that point, we object strongly to the allocation of MIN08 in principle since it is wholly premature and far too close to the village of Gressenhall to be appropriate.

12. We question whether there is sufficient mineral within the field to justify extraction but in any event it is most certainly premature but it is also inappropriate mindful of its location.

Suggested change: We believe that no further operations should be opened as there are sufficient pits already operating in the area.

NCC Planning Officer response: Points 1, 2, 3 and 4 are noted.

5 and 6. The existing permitted mineral extraction sites in the vicinity of Beetley are noted. Planning permission goes with the land and not with the operator because sites can change hands. The allocation of additional mineral extraction sites is not to provide competition between operators in the mineral market, it is to provide for sufficient aggregate minerals to meet the forecast need over the plan period. Policy MP1 of the NM&WLP states that sites for at least 12.597 million tonnes of sand and gravel will be allocated in the NM&WLP to meet the forecast need for aggregates during the Plan period to 2038. The sites allocated in the Publication version of the NM&WLP contain an estimated sand and gravel resource of 15.4 million tonnes available during the Plan period to 2038 which provides some flexibility for the delivery of the allocated sites. This includes the estimated resource of 1.83 million tonnes of sand and gravel at the MIN 51/MIN 13/MIN 08 Beetley site and the estimated resource of 1.175 million tonnes of sand and gravel at the MIN 12 Beetley site.

7 and 8. The National Planning Practice Guidance states that all planning applications should be determined on their own merits. Both the sites in Beetley (MIN 12 and MIN 51/MIN 13/MIN 08) are allocated in the Publication version of the NM&WLP in order to meet the forecast need for aggregate mineral during the plan period to 2038 as set out above.

9 and 10. The boundary of site MIN 08 in the Publication version of the NM&WLP excludes the land owned by Gressenhall Poors Charity.

11. MIN 08 is proposed as part of a combined site with MIN 51 and MIN 13 to be worked in phases. Site MIN 08 is expected to be worked as the last phases of the combined site. The NM&WLP covers the period to 2038 and extraction is expected to start in MIN 08 within the plan period. The settlement of Gressenhall is over 500m from the boundary of MIN 08. Policy MIN 51/MIN 13/MIN 08 requires the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. A Landscape and Visual Impact Assessment would also be required to be submitted at the planning application stage. Policy MW1 (Development Management Criteria) states that a planning application would need to demonstrate that there would not be an unacceptable adverse impact on the appearance, quality and character of the landscape, countryside and visual environment.

12. The estimated mineral resource in the combined site of MIN 51/MIN 13/MIN 08 is 1.83 million tonnes. A planning application (reference FUL/2022/0021) was submitted in 2022 for the combined site with an estimated mineral resource of 1.55 million tonnes.

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99343]: (Objection)

Due to the proximity to Beetley and Hoe Meadows SSSI, Horse Wood Mileham SSSI and Dillington Carr, Gressenhall SSSI, as well as Beck Farm Meadows CWS and Rawhall Wood CWS (also an ancient woodland), the supporting text states that the site would be worked dry only above the water table. However, no

specific condition is included in MIN12 to ensure that the site will only be worked dry above the water table.

Suggested change: In order to ensure that the plan does not result in impacts on SSSIs, CWS and ancient woodland, we request specific inclusion in the policy wording that the site will only be worked above the water table. Policy MIN 200 includes such wording, so in order to ensure that the policy is effective and doesn't inadvertently promote development in conflict with nature conservation laws and policy, and is consistent with the precautionary approach taken in other policy text wording, we strongly recommend that this condition is added to this policy. We also recommend that section g of the policy includes specific reference to the new wet woodland around retained wetland areas as mentioned in the previous draft of the policy.

NCC Planning Officer response: Noted. A modification will be proposed to include the requirement for the site to be worked dry (above the water table) in Policy MIN 51/13/08. A modification will be proposed to requirement (g) of Policy MIN 51/13/08 to include specific reference to wet woodland and retained wetland areas.

Three representations received commenting on Policy MIN 51/13/08:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99428]: (Comment)

We note that for MIN08, MIN13 and MIN 51 it is currently stated that: "The site is proposed to be restored at a lower level and the majority returned to arable agricultural. Due to the expected depth of extraction, it is recognised that restoration to arable is likely to require the use of imported inert material to provide a suitable profile. Lagoons to be retained as ponds with planting to create wet woodland habitat. Hedgerow interspersed with oaks is to be planted along the northern boundary alongside Rawhall Lane. A proportion of the site will be restored to woodland and associated grassland habitat" These allocations are stated as being of Grade 3 agricultural land quality and so it is unclear as to whether or not this is BMV land (i.e. sub-grade 3a). If not, then it could be beneficial in terms of nature recovery in this area to explore whether the restoration of these sites could further complement/expand on the nature recovery ambitions of the nearby Wendling Beck Environment Project [<https://www.wendlingbeck.org/>] to deliver more habitat creation in this area which is bigger, better and joined up in line with the Lawton principles [Making Space for Nature: (nationalarchives.gov.uk) [https://webarchive.nationalarchives.gov.uk/ukgwa/20130402170324mp_/http://archive.defra.gov.uk/environment/biodiversity/documents/201009spacefor-nature.pdf].

NCC Planning Officer response: Noted. A soil survey would be required to be submitted at the planning application stage to determine whether the land is Grade 3a or 3b. A soil survey was carried out for planning application FUL/2022/0021 in 2020. The soil survey found that 7ha of the site are grade 2, 16 hectares are grade 3a and 16 hectares are grade 3b. Restoration proposals must demonstrate that 'the scheme provides for a biodiversity net gain, primarily through the creation or enhancement of priority habitats and linkages to local ecological networks and green infrastructure corridors' in accordance with Policy MP7.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99241]: (Comment)

There are no designated heritage assets on site. The grade II* church of St Peter, Manor Farmhouse listed grade II and a scheduled monument (a deserted medieval village) lie to the west of the sites whilst to the north of the site lies East Bilney and several listed buildings, the closest of which is the grade II listed Almshouses. We welcome the specific reference to the nearest heritage assets in the policy.

NCC Planning Officer response: Noted.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99465]: (Comment)

(MIN 8 - land north of Stoney Lane Beetley) Breckland DC has stated in its previous response to the 2019 consultation that it was considered that this site was unsuitable due to excessive increase in traffic in the area and access issues and deliverability as the site is owned by a landowner and not a minerals aggregate operator. The information on this site proposal has been aggregated with the information for Min 51 and 13 so it is not clear whether these issues have been addressed in particular to this site.

NCC Planning Officer response: Land at MIN 08 is now proposed to be worked as part of one phased site with MIN 51 and MIN 13 by one mineral operator, as these are three adjacent fields. Therefore, the issue regarding deliverability has been resolved as the site is now promoted by a mineral operator, Longwater Gravel Company Ltd. The concerns about highway access and the volume of vehicle movements have also been resolved by the proposal to work MIN 08 as part of a phased site with MIN 51 and MIN 13. As stated in paragraph 51.2 the highway access from all three parcels of land would be from the north-eastern corner of the land at MIN 13 onto Rawhall Lane. Due to the phasing of working from the three parcels of land, the total HGV's leaving the phased sites are estimated to be 10-15 per day (a maximum of 30 vehicle movements in and out). Including land at MIN 08 with MIN 51 and MIN 13 would not lead to an increase in vehicle movements per day, but it would lead to the combined sites operating for a longer period of time, depending on the rate of extraction.

Two representations received commenting on paragraph M51.2 of the supporting text to Policy MIN 51/13/08:

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99463]: (Comment)

MIN 51 Land west of Bilney road, Beetley 1,830,000 of sand and gravel

As stated in 2019 consultation, Breckland considers that road improvements would be required for this site due to traffic issues. However, it is noted that Highways considers access by Rawhall Lane is suitable.

NCC Planning Officer response: There would be an estimated maximum of 15 HGVs leaving the site each day. A Transport Assessment or Statement would be required to be submitted at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on the safety and capacity of the highway network. The proposed highway access is considered suitable in principle by the Highway Authority. Policy MIN 51/MIN 13/MIN 08 (a) requires appropriate financial contributions to B1146 Fakenham Road/Rawhall Road junction improvements to be made, if required.

Respondent: **Breckland District Council** (Sarah Suggitt) [21969]

Representation [Rep ID: 99464]: (Comment)

Min 13 - Land west of Bilney Road Beetley Close to Min 51 included in 1,830,000 sand and gravel

As stated in the 2019 consultation, Breckland DC considers Road improvements would be required due to traffic issues. 8, 51 and 13 all very close to each other therefore a very large site. However, it is noted that Highways considers access by Rawhall Lane is suitable.

NCC Planning Officer response: The three sites MIN 51, MIN 13 and MIN 08 are adjacent fields and are proposed to be worked as one phased site by one mineral operator. There would be an estimated maximum of 15 HGVs leaving the combined sites each day. A Transport Assessment or Statement would be required to be submitted at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on the safety and capacity of the highway network. The proposed highway access is considered suitable in principle by the Highway Authority. Policy MIN 51/MIN 13/MIN 08 (a) requires appropriate financial contributions to B1146 Fakenham Road/Rawhall Road junction improvements to be made, if required.

One representation received commenting on paragraph M51.16 of the supporting text to Policy MIN 51/13/08:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Representation [Rep ID: 99183]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN51 / MIN 13 / MIN 08 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. A planning application was submitted to Norfolk County Council in July 2022 for mineral extraction at this site (application number FUL/2022/0021). As of April 2023, the planning application had not been determined. A Hydrogeological Impact Assessment (HIA) and Flood Risk Assessment were submitted as part of the planning application. The HIA states (3.2) that the base of the proposed workings is above the recorded watertable, therefore dewatering is not proposed to facilitate mineral extraction. During the development of MIN 13 and MIN 51 the available infiltration capacity will be sufficient to manage rainfall over extraction areas and active surface water management is unlikely to be required. An attenuation pond is proposed for surface water drainage in MIN 08 which would be retained as an ephemeral wetland as part of the restoration of the site. The HIA/FRA (section 5.3.3) states that no active dewatering or water discharge will be undertaken at the site during mineral extraction.

Policy MIN 200 Carbooke

Two representations received commenting on Policy MIN 200:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99242]: (Comment)

Although there are no designated heritage assets within the site boundary, the grade II listed Mill House and Windmill lie just to the south of the site. Given the proximity of these assets, we have concerns that extraction at the site will impact upon the settings of these assets. There are also a number of other listed buildings including the church of St Peter and St Paul to the north of the site as well as a scheduled monument. To the south east of the site lies the Carbrooke Conservation Area which also includes several listed building. We welcome the specific reference to the nearest heritage assets in the policy.

NCC Planning Officer response: Noted.

Respondent: **Breckland District Council** (Sarah Suggitt) [Person ID: 21969]

Representation [Rep ID: 99466]: (Comment)

This is an extension of existing site and Breckland has no objections

NCC Planning Officer response: Noted.

One representation received commenting on the Site Characteristics paragraph of the supporting text to Policy MIN 200:

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99344]: (Comment)

The supporting text for the policy, MP200.10, with reference to Wayland Wood SSSI, which is also a Norfolk Wildlife Trust reserve, states that 'provided that no dewatering is proposed as part of the working scheme, no impacts on this SSSI are expected'. Paragraph M200.19 states that the site is proposed to be restored to nature conservation with open grassland. We support policy section e, and recommend that the reference to open grassland in MP200.10 is added to the policy wording section e for clarity.

Suggested change: We recommend that the reference to open grassland in MP200.10 is added to the policy wording section e for clarity.

NCC Planning Officer response: Noted, but we do not consider that the suggested change is necessary as an alternative nature conservation restoration proposal may also be appropriate. Policy requirement e requires "the submission of an acceptable progressive restoration scheme to a nature conservation afteruse to provide landscape and biodiversity net gains."

Policy MIN 202 Attlebridge

One representation received supporting Policy MIN 202:

Respondent: **Breedon Trading Limited** (Shaun Denny) [Person ID: 21948]

Representation [Rep ID: 99214]: (Support)

The Company supports the identification of the site as a site allocation for the winning and working of minerals.

NCC Planning Officer response: Support noted.

Two representations received objecting to Policy MIN 202:

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99345]: (Objection)

Summary: In our response to the previous 2019 consultation we noted that this site overlaps with Triumph & Foxburrow Plantations County Wildlife Site and the Mileplain Plantation ancient woodland partially within the site boundary. However, the site boundary does not appear to have been changed in order to avoid impacts on these important ecological features. Whilst we have no objection in principle to the majority of the allocation, we are significantly concerned that the allocation includes part of a County Wildlife Site, in clear contradiction with the goals of policy MW1.

Full text: In our response to the previous 2019 consultation we noted that this site overlaps with Triumph & Foxburrow Plantations County Wildlife Site and the Mileplain Plantation ancient woodland partially within the site boundary. However, the site boundary does not appear to have been changed in order to avoid impacts on these important ecological features. Whilst the supporting text for the policy states in M202.12 that there should be a stand off distance of at least 15 metres from the ancient woodland, we question why the red line boundary for the allocation abuts the ancient woodland and includes part of the CWS.

Notwithstanding our concerns about the inclusion of part of a CWS in this allocation, and its unacceptable proximity to ancient woodland, we have no objection in principle to the remainder of the allocation area and support the proposed restoration to heathland.

Suggested change: We strongly recommend that the site boundary is modified to remove any overlap with the CWS and set the required stand off distance where ancient woodland is present. For section d, we recommend that natural regeneration rather than planting is preferred, as this is far more likely to establish successfully and will avoid any risks of introducing disease from imported tree stock. Given the proximity to Swannington Upgate Common SSSI, part of which is also the Upgate Common Norfolk Wildlife Trust reserve, we recommend that policy wording requiring dry working is included in the policy text, in line with the approach taken for MIN 200, for consistency and certainty of delivery.

NCC Planning Officer response: The proposed site allocation policy contains a requirement for a minimum 15 metre buffer from the boundary of the ancient woodland and for this buffer to be planted with native woodland species as part of any restoration scheme. Allocation requirements are only applicable to the area covered by the site plan; therefore, to be able to influence the nature of the restoration within the buffer it needs to be within the site outline. The allocation requirements further require that the any future planning application should include a progressive restoration scheme containing heathland to provide biodiversity net gains. County Wildlife Sites are of local importance and a well-designed restoration scheme could provide ecological gains to such sites; potential impacts and restoration potential would be assessed and considered as part of any future planning application. As stated in paragraphs M202.8, M202.9, M202.10, M202.11 and M202.12 any working would be dry because it would be above the water table. Due to the depth of the groundwater level in the location of the mineral working, we do not consider it necessary to include a requirement for dry working within the policy as the mineral working would be naturally dry at the depth of extraction required for the proposed 545,000 mineral reserve. The Forestry Commission proposed that the 15-metre boundary be planted with an equal number of oak, silver birch, sweet chestnut and rowan trees as part of the restoration, and advised that allowing natural regeneration would not be appropriate in this case due to the restoration overall being to heathland.

Respondent: **Claire Woodhouse** [Person ID: 21930]

Representation [Rep ID: 99152]: (Objection)

I can confirm that I am the owner of the property [redacted personal data] and at the time of purchase June 2020 I was unaware that Cemex now Breedon Group had made an application to extract minerals just 250m from the property. Recently one of our neighbours, who has lived here 30 years, visited us because he had been asked if sound recording equipment could be placed in his property, he stated his concerns. Upon investigation we found the application that Cemex had made. We read much of the information in the report including the noise report that was submitted with the application. We noted that there had been sound measurements taken at [redacted personal data] that suggest current sound levels are between 40/50db. With the predominant sound being wind blowing through trees and bird sound. I can confirm that one of the main reasons for the purchase of the property is that it sits in an area of protected woodland with many ancient trees some going back 400 years. It is a very peaceful and quiet location. The report states clearly that the extraction equipment that a quarry would use will generate noise as loud as 85db. I believe this this is at a distance of 400m. On that basis we will of course object to the quarry permission being granted and any other development on the site including waste management. We also note that there was a letter from Breedon stating that the application had been withdrawn. We received confirmation of this from Martin Clark. So, I am confused by the fact a new letter has arrived stating the project is in the planning process. In summary, please take this letter as a written notification of objection to any development on the site located 250m from my property. Please advise me in writing of any further activity on the application or any other application that affects the local site.

NCC Planning Officer response: Objection noted. The Minerals and Waste Local Plan making process is separate to the planning application process. MIN 202 is a proposed site allocation within the NM&WLP. Local Plans are submitted to the Secretary of State for an examination in public to be carried out by an independent Planning Inspector prior to their adoption. If site MIN 202 was adopted as an allocation in the NM&WLP then a planning application would still need to be submitted and a grant of planning permission determined prior to any mineral extraction taking place on site.

The site allocation policy for MIN 202 (b) includes a requirement for a noise assessment to be submitted at the planning application stage which would be prepared in accordance with national Government guidance and subject to consultation with an Environmental Health Officer as part of any planning application. The noise assessment would include appropriate mitigation measures to ensure no unacceptable impacts outside the site. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including noise, air quality and dust). Normal planning conditions for mineral extraction require mitigation measures for noise and dust.

As stated in your representation, the planning application reference C/5/2018/5004 for sand and gravel extraction at Attlebridge Quarry, Reepham Road was withdrawn by the applicant (Breedon Group) in March 2022. The application was withdrawn following a letter to the applicant by Norfolk County Council in March 2022. Additional information, including updated ecological surveys, were required to be submitted by the applicant as part of the planning application process and the ecological surveys could not be completed until at least October 2022. Therefore, the applicant was advised to withdraw the application and then resubmit it with a completed and updated submission. As of June 2023, the planning application had not been resubmitted for site MIN 202 at Attlebridge.

One representation received commenting on Policy MIN 202:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99430]: (Comment)

Natural England notes that MIN 202 is adjacent to Mileplain Plantation, a Plantation on Ancient Woodland Site (PAWS) and welcomes the requirement for an Arboricultural Impact Assessment in the Specific Site Allocation Policy MIN 202. We would recommend reference to standing advice [<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>] for ancient woodland and ancient and veteran trees, which has been produced by Natural England and the Forestry

Commission for further guidance when making decisions that affect ancient woodland, ancient trees or veteran trees.

NCC Planning Officer response: Noted. In addition to the requirement within the allocation policy MIN 202 (c) for an Arboricultural Impact Assessment at the planning application stage, the supporting text paragraph M202.12 contains additional information on the importance placed on ancient woodlands nationally. The determination of any future planning application would take into account the irreplaceable nature of ancient woodlands with reference to the standing advice.

One representation received commenting on paragraph M202.14 of the supporting text to Policy MIN 202:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99186]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN202 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangements.

Policy MIN 37 Mayton Wood

No representations received about Policy MIN 37.

One representation received commenting on paragraph M37.14 of the supporting text to Policy MIN 37:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99187]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN37 Internal Drainage District Watershed catchment is Norfolk Rivers IDB.

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. Planning permission (reference FUL/2019/0043) was granted for mineral extraction at this site in June 2021. A Groundwater Protection and Hydrogeological Impacts Report was submitted with the planning application (Annex 6 to the Environmental Statement). The report states that the site is proposed to be worked dry above the level of the groundwater, without groundwater abstraction. The report also included a surface water management plan which concluded that "all surface water runoff from the site may be effectively managed on site without release to the external receiving environment, other than at the designated greenfield rate and through natural percolation". The planning permission contains a condition which requires development to be carried out and constructed in accordance with the approved flood risk assessment and conceptual surface water management plan.

Policy MIN 64 Horstead

One representation received commenting on Policy MIN 64:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99245]: (Comment)

Although there are no designated heritage assets within the site boundary, there is a scheduled monument (Roman camp and settlement site) to the south of the site, grade II* listed All Saints Church to the east and scheduled monument Great Hautbois old church and grade II* listed Church of St Theobald's to the north east of the site. Any extraction at the site has the potential to impact upon the settings of these heritage assets. We welcome the specific reference to the nearest heritage assets in the policy.

NCC Planning Officer response: Noted.

One representation received supporting the Site Characteristics paragraph of the supporting text to Policy MIN 64:

Respondent: **Longwater Gravel Co. Ltd.** (Simon Smith) [Person ID: 9381]

Representation [Rep ID: 99287]: (Support)

Longwater Gravel Company Limited supports the inclusion of MIN 64 as an allocated site. An application for planning permission was granted in May 2021 and the allocated reserves will be worked and exhausted during the plan period. However, extending the plan period from 2036 to 2038 will mean that to ensure operations at Horstead Quarry continue beyond 2036, it will be necessary to apply for planning permission to extract sand and gravel from an extension area which will not be an allocated site.

NCC Planning Officer response: Noted. The NM&WLP is planning for a steady and adequate supply of aggregate minerals within Norfolk as a whole during the Plan period to 2038 and this approach does not need or require each individual mineral extraction site to be operational throughout the whole Plan period. Any planning application submitted for future extraction would be determined in accordance with the policies in the development plan and other material considerations.

One representation received commenting on paragraph M64.15 of the supporting text to Policy MIN 64:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Representation [Rep ID: 99188]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN64 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. Planning permission (reference FUL/2020/0045) was granted for mineral extraction at this site in May 2021 and the permission has been implemented. The Planning Statement submitted as part of the planning application concluded (paragraph 9.2.11) that there is no requirement for water management operations at the site. The permission includes conditions stating that no excavation shall take place below the level of the maximum winter water-table on the site and no dewatering of excavations shall be carried out. The mineral extracted at this site would be processed at the existing plant site.

Policy MIN 65 Stanninghall

Two representations received objecting to Policy MIN 65:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99246]: (Objection)

We understand from the Council that planning permission has now been granted for this site and to that end the principle of development has been established. Nevertheless, it is still important for the policy to set out an appropriate policy framework for the protection of the historic environment as the extant planning permission may not be implemented and an alternative application may be submitted. In order to make this policy effective, we recommend that the policy would be improved by specifically referencing mitigation measures identified through the planning application process.

Whilst there are no designated heritage assets within the site boundary, there are a number of designated heritage assets nearby including the grade II listed Horstead Lodge to the east of the site, the Coltishall and Horstead Conservation Area to the north east of the site (containing a number of listed buildings including the grade I listed Church of St John the Baptist), and a Roman Camp scheduled monument just to the north of the site. We have concerns regarding the potential impact on the setting of these various heritage assets. We understand that this site now has planning permission and to that end the principle of development has been established. Nevertheless, it is still important for the policy to set out an appropriate policy framework for the protection of the historic environment as the extant planning permission may not be implemented and an alternative application may be submitted. Whilst we broadly welcome criteria f and g of the policy, the policy would be improved by specifically referencing mitigation measures identified through the planning application process.

Suggested change: Reference mitigation measures identified through the planning application process in the policy.

NCC Planning Officer response: Planning permission (reference FUL/2020/0085) was granted for mineral extraction at this site in August 2021 and the permission has been implemented. The Environmental Statement submitted with the planning application included the following mitigation for potential impacts on listed buildings and the scheduled monument: advanced hedgerow planting and woodland planting on the northern boundary of the site; temporary soil screening bunds; restoration of the site to woodland and arable. The planning permission includes condition 5 which requires a scheme of landscaping to be submitted to and agreed in writing by the County Planning Authority, including advanced planting proposed. This condition was discharged in December 2022. The advanced planting includes new hedgerow along the eastern boundary and hedgerow and woodland planting along the northern boundary. It also includes a temporary soil screening bund located to the south of the advanced planting along the northern boundary. Condition 2 of the planning permission requires development to be carried out in accordance with the approved working and restoration plans. Therefore, the policy amendments proposed in this representation are not required as mineral extraction operations at this permitted site are controlled by planning conditions.

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99135]: (Objection)

It is noted that this site has planning permission and the plan may not include this policy if the scheme has started. On Google Maps there is a photograph apparently showing some plant of significant size at the existing Tarmac Stanninghall Quarry. The Plan text does not indicate anything of this scale/height although Policy MIN 65 (j) refers to use of existing processing plant at the proposed site. This is somewhat concerning. The site could potentially have adverse effects on the Broads and setting of the Broads in terms of scale, and proximity in relation to the numbers of visitors to attractions and facilities in Horstead/Coltishall area – this needs to be addressed by the LVIA.

Suggested change: The Specific Site Allocation Policy MIN 65 includes a requirement for submission of an LVIA with any planning application. If larger scale plant is moved to the proposed site, that any LVIA would

need to assess the effects of this on the Broads area. The LVIA needs to also assess impact in terms of scale, and proximity in relation to the numbers of visitors to attractions and facilities. These requirements need to be made clearer in this section.

NCC Planning Officer response: Planning permission (reference FUL/2020/0085) was granted for mineral extraction at this site in August 2021 and the permission has been implemented. The existing permitted Stanninghall Quarry, which has been operational since 2015, contains sand and gravel washing and screening plant within a defined plant site area. Site MIN 65 is an extension to the existing Stanninghall Quarry. No changes to the plant site are proposed and therefore mineral extracted within the allocation site MIN 65 would be processed at the existing plant site. Therefore, the policy amendments proposed in this representation are not required as mineral extraction operations at this permitted site are controlled by planning conditions and the plant site will remain in its current location.

One representation received objecting to the Site Characteristics paragraph of the supporting text to Policy MIN 65:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99133]: (Objection)

It is noted that this site has planning permission and the plan may not include this policy if the scheme has started. The Site Characteristics para states could be extracted within 13 years. It is not entirely clear whether this refers to the proposed site only or the proposed plus existing sites.

Suggested change: Clarification is required as the timescale clearly influences the duration of effects. The Local Plan needs to clarify the timeline included.

NCC Planning Officer response: The site characteristics paragraph refers to the estimated sand and gravel resource within site MIN 65 which is the northern extension area as shown on the red line plan in the Policies Map. It is therefore clear that the tonnage and timescale referred to relates to site MIN 65 (the northern extension to Stanninghall) and not the existing southern part of the Stanninghall quarry site which has been operational since 2015. The planning permission (reference FUL/2020/0085) which was granted in August 2021 incorporated both the existing southern site and the northern extension area allocated in Policy MIN 65. The planning permission requires the extraction of sand and gravel at the whole site to cease by 31 December 2037 and for the site to be restored by 31 December 2038. The planning permission also requires the site to be worked and restored in phases. Planning permission for mineral extraction at the site (FUL/2020/0085) has been implemented.

One representation received objecting to paragraph M65.6 of the supporting text to Policy MIN 65:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99132]: (Objection)

It is noted that this site has planning permission and the plan may not include this policy if the scheme has started. M65.6 Landscape states: it should be possible to design a scheme of working, incorporating screening. However, the plan does not show any screening (only areas of Buffer). Some of the northern and eastern boundaries may require screening as mitigation for adverse visual effects if identified by LVIA.

Suggested change: The plan may need to include screening, or the wording of the text improved to refer to the potential need for screening as well as saying that the LVIA needs to address the issue of adverse visual effects (screening).

NCC Planning Officer response: Planning permission (reference FUL/2020/0085) was granted for this site in August 2021 and the permission has been implemented. The planning permission includes condition 5 which requires a scheme of landscaping to be submitted to and agreed in writing by the County Planning Authority, including advanced planting proposed. This condition was discharged in December 2022. The advanced planting includes new hedgerow along the eastern boundary and hedgerow and woodland planting along the northern boundary. It also includes a temporary soil screening bund located to the south of the advanced planting along the northern boundary. Therefore, the policy amendments proposed in this

representation are not required as mineral extraction operations at this permitted site are controlled by planning conditions.

One representation received commenting on paragraph M65.12 of the supporting text to Policy MIN 65:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkq>

Representation [Rep ID: 99189]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN65 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. Planning permission was granted for this site (reference FUL/2020/0085) in August 2021 and the permission has been implemented. The Hydrology and Hydrogeology section of the Environmental Statement accompanying the planning application confirmed there would be no need for any dewatering within this site which would be worked dry, above the water table. There is also no requirement for off-site discharge at the site. A Flood Risk Assessment was submitted with the planning application which concluded that the operation mineral workings and the restored site would not lead to any increase in flood risk in the catchment area. The Lead Local Flood Authority and the Environment Agency did not raise any concerns at the planning application stage.

Policy MIN 96 Spixworth

Four representations received commenting on Policy MIN 96:

Respondent: **Horsham St Faith & Newton St Faith parish council** (Jim Graves) [Person ID: 21843]

Representation [Rep ID: 99151]: (Comment) Please ensure that any further detailed applications maintain the integrity of Market Field Lane which is a popular walking route between Coltishall Lane and Spixworth Road. The Council is also concerned at the level of HGV traffic that would be using the existing crossing point on Spixworth Road which is a very busy interconnector between local villages.

NCC Planning Officer response: Whilst Marketfield Lane is within the boundary of site MIN 96, Marketfield Lane is an unclassified road, so any application which proposed any alteration to it would need to both justify any change and propose a suitable alternative route, regardless of whether this would be a temporary change or not. Requirements m, n and o of the site allocation policy relate to HGV transport of the minerals and access arrangements. Any future planning application would need to contain a Transport Assessment or Statement, to assess the potential impacts of HGV traffic and appropriate mitigation. The allocation policy requirements also state that the access to the strategic road network is to be via the roundabout on the A1270 Broadland Northway, and the HGV access at Buxton Road be removed.

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99346]: (Comment)

Suggested change: We recommend the addition of species-rich grassland to the habitats listed in section h. on the restoration goals.

NCC Planning Officer response: Noted. As the current agricultural land grade is 3, a restoration to agriculture would generally be preferred with additional features such as wider field margins (which could consist of species rich grassland), hedgerows and some additional trees to provide Biodiversity Net Gains whilst the majority of the site being productive. As the wider field margins could be created to contain species rich grassland we do not consider it necessary to amend the policy wording.

Respondent: **Broadland District Council and South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99501 and 99518]: (Comment)

This site is located an equal distance between Spixworth and Horsham St Faith where it should be noted that the Greater Norwich Local Plan (GNLP) has preferred sites within Horsham St Faiths for residential or employment use. Whilst not adopted the draft GNLP was submitted to the Secretary of State for independent examination in July 2021. Subsequent Hearings took place in February 2022. In addition, no reference is made to the Spixworth Neighbourhood Plan which was adopted in July 2021.

NCC Planning Officer response: The preferred site allocation GNLP0125R contained in the submitted version of the Greater Norwich Local Plan is located on the opposite side of the village of Horsham St Faith to the proposed mineral site allocation MIN 96, therefore no adverse impacts are expected on site GNLP0125R which is also over 1.2km from the boundary of MIN 96. Only the south-eastern corner of site MIN 96 is within the parish of Spixworth. The Spixworth Neighbourhood Plan does not allocate land in proximity to site MIN 96, and mineral operations would be unlikely to cause unacceptable adverse impacts within Spixworth village due to distance (the settlement boundary of Spixworth is over 550m away) and that HGV access would be via the A1270. Any future planning application would need to be determined in accordance with the Development Plan, of which the Spixworth Neighbourhood Plan is part.

One representation received objecting to the Site Characteristics paragraph of the supporting text to Policy MIN 96:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99247]: (Objection)

We continue to have concerns regarding the potential impact of this allocation on heritage assets. We consider that there is insufficient historic environment evidence to justify its allocation. Whilst we appreciate that an application is due shortly, we would still expect the preparation of a heritage impact assessment to inform the policy wording in the Local Plan, particularly, in respect of potential mitigation for the site. Prepare a proportionate HIA now ahead of the application and EiP to consider the suitability or otherwise of the site and inform its extent and any potential heritage mitigation. The findings of the HIA would then need to inform the policy and supporting text. In order to justify this allocation, ensure consistency with the NPPF and to make the policy wording effective, for this site we recommend an HIA is prepared now in advance of the EiP. This should provide a robust evidence base for the plan. Any evidence needs to be proportionate and need not necessarily be particularly onerous. For this site a fairly brief HIA will suffice. Our site allocations advice note <https://historicengland.org.uk/imagesbooks/publications/historic-environment-and-site-allocations-in-local-plans/> provides further advice in this respect and we would be happy to discuss the matter further and advise on a suitable way forward.

Whilst there are no designated heritage assets within the site boundary, there are a number of designated heritage assets quite close by including a cluster of grade II listed buildings at Grange Farm, a cluster at Spixworth Hall and Meadow Farmhouse, also grade II listed. The grade I Church of St Peter and Church of the Blessed Virgin and St Andrew and the grade I listed Priory, also scheduled, both lie within the Horsham St Faiths Conservation Area to the west of the site. Minerals extraction in this location therefore has the potential to affect the setting of a number of designated heritage assets. We note the proposed mitigation buffer to the south east boundary (shown on the map) of the site which is broadly welcomed. We do welcome criteria a, c and d. However, given our concerns regarding the impact on a number of nearby designated assets we recommended that a Heritage Impact Assessment is completed at this stage to assess the suitability or otherwise of the allocation and extent of the site and consider any mitigation that might be necessary should the site be found suitable from a heritage perspective. The findings of the HIA would then need to inform the policy and supporting text. Whilst we appreciate that the site is already allocated and that an application is due in 2023, we would still expect the preparation of a brief heritage impact assessment to inform the policy wording, particularly, in respect of potential mitigation for the site.

Suggested change: We continue to recommend the preparation of a brief HIA prior to EiP to inform potential mitigation and enhancement measures which should then be incorporated into the policy wording.

NCC Planning Officer response: Site allocation MIN 96 is a carried forward adopted specific site allocation contained in the existing Minerals Site Specific Allocations Development Plan Document. Therefore, the potential for harm from mineral extraction on this site has already been subject to examination in public during 2013, and the allocation was found to be sound and legally compliant. Notwithstanding this, an HIA has been prepared for site MIN 96 and will form part of the evidence base supporting the submission of the Minerals and Waste Local Plan.

One representation received commenting on paragraph M96.14 of the supporting text to Policy MIN 96:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkq>

Representation [Rep ID: 99190]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied

which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN96 Internal Drainage District Watershed catchment is Norfolk Rivers IDB.

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangements.

Policy MIN 06 Middleton (Carstone)

One representation received objecting to Policy MIN 06:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99248]: (Objection)

We have no objections to the allocation of this site, which would have limited impact on designated heritage assets. However, the site will be for the extraction of carstone, a material that can be used for building stone purposes. Carstone is probably the most important building stone within the county and can be seen in historic buildings and structures of western Norfolk. It is largely quarried today for construction rather than conservation purposes, but it is essential that some extraction takes place for building stone uses and that minimal crushing of good quality carstone takes place for construction purposes. We note from the first paragraph that the carstone deposit in this site allocation is unsuitable for building stone use. We hope this has been based on a thorough investigation of the deposit within the site and it can be clearly demonstrated that the mineral is of insufficient quality for conservation purposes. If the evidence is lacking, then Policy MIN 6 should include reference to the need for further investigation to establish the quality of the carstone deposit before extraction takes place. This might prevent good quality stone from being needlessly wasted. In our previous response we raised the issue of exploring the possibility of an alternative site for building stone be given that that this site is of insufficient quality for use as a building stone. It is important that such stone is available for historic conservation work and also for limited use in new build where using traditional building materials can be a helpful design tool in picking up on local vernacular, character and distinctiveness in sensitive design.

Suggested change: We continue to recommend that an alternative site for building quality Carstone is identified.

NCC Planning Officer response: Noted. Site MIN 6 is already allocated within the adopted Minerals Site Specific Allocations Development Plan Document and the uses for carstone from this site were discussed at the EIP in 2013. The Carstone generally found within this part of the deposit has been worked for many years and has been generally found to contain insufficient iron to make it suitable for use as dimension stone, which is most often being found further north in the deposit including at the existing permitted site at Snettisham. While the allocation of minerals specific sites requires site investigations due to the variable nature of the deposit, it is only possible to get a general view of the underlying geology. However, as carstone suitable for use as dimension stone has a far higher market value than that of construction fill it is reasonable to assume that the operator will ensure that they get best value for any carstone of sufficient quality to be used as dimension stone, if such material is found during extraction. Due to the variable nature of the geological deposit it is not possible to ascertain a tonnage for the permitted reserve that would be suitable for use as dimension stone through trial boreholes. However, it is known that suitable material has been extracted in the past from the permitted sites when encountered, and that based on the relatively small quantities of Carstone extracted per annum this would be likely to continue to occur through the Plan Period.

Norfolk County Council carried out a 'call for mineral extraction sites' as part of the production of the NM&WLP and no other sites for Carstone extraction were submitted for consideration, although there are other existing permitted Carstone extraction sites. At the end of 2021 the landbank of permitted reserves for Carstone in Norfolk was 1.524 million tonnes, which would last over 16 years based on the previous 10-years average sales.

One representation received objecting to paragraph M6.1 of the supporting text to Policy MIN 06:

Respondent: **Peter Simmons** [Person ID: 21571]

Representation [Rep ID: 99077]: (Objection)

Summary: There is already a problem in Blackborough End of dust deposits from existing quarry sites on a daily basis which is unhealthy and could pose a risk to the vulnerable. This, together with the increased truck

movements and subsequent emissions would make the village much worse, and make living here onerous and unhealthy and a health risk for the vulnerable; those with existing upper-respiratory track diseases.

Full text: Blackborough End is already suffering from excess dust, which deposits on all surfaces on a daily basis, from existing quarrying. Despite the distance being said to be beyond the distance at which dust is believed to be a nuisance, this is clearly not the case. White cars are a good illustration of this, becoming pale brown very quickly. Indoors there is a continuing issue with dust, which has to be cleaned off regularly, and which is an irritant for anyone with breathing difficulties or upper-respiratory track disease. Even for the healthy, a continuous intake into the lungs of this dust cannot be said to be of no consequence, and there must be damage caused, albeit at a slow rate. Since the majority of residents of Blackborough End are elderly, this should be a matter for concern. Quality of life is affected for all residents. This is the dirtiest place I have ever lived in, and was unaware until I moved that any residential area could suffer such dust pollution.

Suggested change: Scrapped. Put people and environment before money.

NCC Planning Officer response: Specific Site Allocation Policy MIN 06 (b) requires “the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. In terms of HGV movements, the site is proposed as an extension to the existing adjacent site and therefore the number of vehicle movements per day is expected to remain the same as existing, but continue for a longer time period because the mineral in site MIN 06 is estimated to take eighteen years to be extracted. Policy MIN 06 (a) requires the phasing of the site with other carstone quarries nearby, so that extraction only commences on this site once extraction is completed on other workings”.

Regular monitoring and enforcement of compliance with planning conditions is carried out by Norfolk County Council as the Mineral Planning Authority (MPA). The MPA has not received any complaints about dust emissions arising from the existing mineral workings at Blackborough End during at least the last 5 years.

One representation received commenting on paragraph M6.15 of the supporting text to Policy MIN 06:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99196]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN6 Internal Drainage District Watershed catchment is King's Lynn IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangements.

Policy MIN 206 Oak Field, Tottenhill

One representation received commenting on Policy MIN 206:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99250]: (Comment)

The Tottenhill Row Conservation Area is located to the west of the site. Mineral extraction has the potential to impact upon the setting of the conservation area. However, there is already some former mineral extraction closer to the Conservation Area. The nearest listed building is over 1 km away. We welcome the specific reference to the nearest heritage assets in the policy.

NCC Planning Officer response: Noted.

Policy MIN 40 East Winch (silica sand)

One representation received objecting to Policy MIN 40:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99251]: (Objection)

We have previously raised concerns with this site in terms of the potential impact of on the significance and setting of the Grade II* listed church in East Winch, just 50 metres away. We welcome the inclusion of screening around the edge of the site allocation as shown on the Proposals Map, but there is no certainty that the impact on heritage assets will be properly considered. We appreciate that an application was submitted for this site in 2018 and whilst Historic England originally objected to the proposal in August 2018 we recommended that an appropriate restoration scheme should be agreed including restoring the land opposite the church to grassland. We note that criterion K does now refer to the field opposite the church must be restored to arable agricultural land which is welcomed. We suggest the removal of the word arable as pasture would also be acceptable.

Suggested change: We suggest the deletion of the word "arable" in criterion k.

NCC Planning Officer response: We consider that the policy wording is currently sound, and the proposed change is not required. The site is grade 3 arable agricultural land. Arable land is agricultural land suitable for cultivation by tilling and/or ploughing, and land returned to agricultural use after mineral extraction would generally be expected to be of such quality. Arable land may be used for cultivation of crops and temporary pasture in rotation, permanent pasture generally being limited to non-arable land due to ground conditions. Planning permission was granted for site MIN 40 (application reference C/2/2018/2016) on appeal (reference APP/X2600/W/21/3289250) by the Planning Inspectorate on 7 June 2023.

One representation received commenting on Policy MIN 40:

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99347]: (Comment)

Due to the proximity to East Winch Common SSSI, also a Norfolk Wildlife Trust reserve, we strongly support the requirement for a hydrological assessment accompanying any application on this site. We also recommend that the proposed restoration in section k is revised to incorporate as much heathland habitat similar to East Winch Common as possible, to increase the landscape connectivity and resilience of the SSSI.

Suggested change: We also recommend that the proposed restoration in section k is revised to incorporate as much heathland habitat similar to East Winch Common as possible, to increase the landscape connectivity and resilience of the SSSI.

NCC Planning Officer response: Noted. However, due to the surrounding land uses it is considered that a restoration to incorporate arable agricultural land would be more appropriate to the setting of the village

and the heritage asset in proximity to the site. Planning permission was granted for site MIN 40 (application reference C/2/2018/2016) on appeal (reference APP/X2600/W/21/3289250) by the Planning Inspectorate on 7 June 2023.

Two representations received objecting to paragraph M40.15 of the supporting text to Policy MIN 40:

Respondent: **Pauline Davies** [Person ID: 21940]

Attachments: Flood Risk Map - <https://norfolk.oc2.uk/a/svkv>

Representation [Rep ID: 99202]: (Objection)

I live in West Norfolk, where there is an ongoing consideration as to whether the Leziat mineral extraction site should have its rights to mineral extraction extended into the East Winch area, with subsequent waste management plans. At this stage, I have been informed that 'The appeals against non-determination of the planning applications, lodged by the Applicant, are ongoing. ('31 10 22.). While the Applicant may be concerned about delays, their proposed questionable development is extremely close, within a quarter mile, to people's homes in East Winch village. Given the area's flood risk, it is remarkable that anyone or any agency would consider continuing mineral extraction activities appropriate in West Norfolk, let alone extensions of those activities.

NCC Planning Officer response: Planning permission was granted for site MIN 40 (application reference C/2/2018/2016) on appeal (reference APP/X2600/W/21/3289250) by the Planning Inspectorate on 7 June 2023. As set out in paragraph M40.15 of the Publication version of the NM&WLP, site MIN 40 is entirely within the Environment Agency's Flood Zone 1, which is the lowest risk, and the risk of surface water flooding is also very low across the site with only a small area within the site being at risk in a 1 in 1,000-year pluvial event. Therefore, regarding flood risk MIN 40 is an appropriate location for allocation. Silica sand extraction is also considered to be a 'water compatible' land use which is suitable in all flood zones.

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99180]: (Objection)

Following review, we note one allocation site which is partially within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply at this site. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. We have previously commented on the planning applications for the site area included within allocation MIN 40 at Land East of Grandcourt Farm, East Winch (C/2/2018/2016 and C/2/2018/2017). The Board's Officers are in contact with the site owner about existing discharges from their operations into the Board's critical maintained watercourse known as Middleton Stop Drain located south of Leziat Works. Site MIN 40 may require Land Drainage Consent from the Board as outlined in the table below and this has the potential to generate conflict between the planning process and the Board's regulatory regime.

Byelaw 3 - Discharge of water to a watercourse (treated foul or surface water) - Consent required

Section 23, Land Drainage Act 1991 - Alteration of a watercourse - Consent may be required

Byelaw 10 - Works within 9 metres of a Broad maintained watercourse - Consent may be required

The Board is particularly concerned about further volumes of water being discharged from the proposed allocation site MIN 40 which could negatively affect the Board's ability to manage catchment flood risk to an acceptable standard.

NCC Planning Officer response: Noted. The allocation site differs from the application area, as the allocation does not include the access route which crosses the Middleton Stop Drain. The Allocation site has a small area which is adjacent to a corresponding small area of the King's Lynn IDB area but is not within it. Therefore, the allocation site is further than 9m from the Middleton Stop Drain, and extraction in MIN 40

would not require alteration of the watercourse per se. The allocation proposes that the mineral raised is transported via the existing already permitted haul route crossing the Middleton Stop Drain and the IDB area. Notwithstanding this, any future application for extraction within MIN40 would need to comply with the requirements of the Development Management Criteria policy MW1 regarding Flood Risk which includes the potential to increase risk elsewhere. Planning permission was granted for site MIN 40 (application reference C/2/2018/2016) on appeal (reference APP/X2600/W/21/3289250) by the Planning Inspectorate on 7 June 2023.

One representation received objecting to paragraph M40.17 of the supporting text to Policy MIN 40:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkq>

Representation [Rep ID: 99181]: (Objection)

Regarding paragraph M40.17, it is essential that the site operator is able to contain any suspended solids arising from their activities which might be detrimental to the Board's Drainage / Flood Risk Management Infrastructure (see also Byelaw 7). The plan needs to provide further detail on the strategy for eliminating silt from entering the wider drainage network.

NCC Planning Officer response: This would be for the detail of a planning application when the detailed working scheme has been finalised. Any future application would need to comply with the Development Management Criteria Policy MW1 regarding water quality, which states that proposals must “demonstrate that the development would not have an unacceptable impact on the quality and quantity of surface waterbodies and groundwater, for resource purposes and to prevent the deterioration of their existing status and their associated ecosystems.” Planning permission was granted for site MIN 40 (application reference C/2/2018/2016) on appeal (reference APP/X2600/W/21/3289250) by the Planning Inspectorate on 7 June 2023.

Policy SIL 01 Bawsey (silica sand)

Two representations received objecting to Policy SIL 01:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99252]: (Objection)

The boundaries of this area of search (AOS) are in close proximity of a number of heritage assets comprising the ruined parish church of St Michael (grade II*) and a font against the south façade of Whitehouse Farmhouse (GII). Other non-designated assets exist and include a series of crop marks related to undated ditches and banks together with a possible Bronze Age barrow. We welcome the reference in the supporting text to nearby heritage assets and the need to provide a heritage statement and LVIA to identify appropriate mitigation with any planning application. We welcome the reference to this in the policy. We also welcome the reference to archaeology requirements in the policy and supporting text. We welcome the reference to the listed church in the policy. We suggest that other listed structure, the font, is also referenced.

Suggested change: Add reference to the font.

NCC Planning Officer response: Planning permission was granted for site SIL 01 (application number FUL/2020/0021) in August 2021. A Main Modification will be proposed to requirement c of Policy SIL01 to make specific reference to the grade II listed font in the policy as requested.

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99348]: (Objection)

Summary: During the previous consultation we highlighted that part of the proposed allocation overlaps with a woodland CWS. We strongly recommend that impacts to the CWS are avoided by excluding it from the allocation and buffering it and other CWS from indirect dust impacts. We also note that the land use of the proposed allocation is classed as non-agricultural land, however we understand that this is likely to be incorrect as the southern part of the site has been in regular use as grazed grassland for at least twenty years, with the potential to support features of ecological significance.

Full text: During the previous consultation phase we highlighted that part of the proposed allocation overlaps with CWS 416 '70 & 100 Plantations' and recommended that these areas are safeguarded. The supporting text correctly identifies potential adverse impacts to this CWS and the adjacent CWS 418 Haverlesse Manor Plantation, but makes no attempt to safeguard these. The most appropriate way to ensure that impacts to the CWS are avoided is to exclude it from the minerals allocation, therefore we strongly recommend that CWS 416 is completely excluded from the proposed allocation. In addition, in order to safeguard from any indirect impacts to CWS from impacts such as dust, any allocation would need to include a non-worked buffer between it and both CWS.

We support the recommendations in the policy text for noise, dust, air quality and hydrology assessments which will help inform ecological assessments of potential impacts on nearby wildlife sites. We recommend that any restoration plan ensures that the existing ecological connectivity between the adjacent wildlife sites is maintained through progressive working and that restoration post-extraction complements the adjoining habitats.

We also note in the supporting text that the land use of the proposed allocation is classed as non-agricultural land, however we understand that this is likely to be incorrect as the southern part of the site has been in regular use as grazed grassland for at least twenty years. This area is likely to be of ecological significance, with anecdotal records of several protected species present as well as a number of mature oak trees on the southern boundary.

Suggested change: The most appropriate way to ensure that impacts to the 70 & 100 Plantations CWS are avoided and ensure this policy complies with policy MW1 is to exclude it from the minerals allocation, therefore we strongly recommend that CWS 416 is completely excluded from the proposed allocation. In addition, in order to safeguard from any indirect impacts to CWS from impacts such as dust, any allocation would need to include a non-worked buffer between it and both CWS. In the absence of further information on the ecological value of the grazed grassland area in the south of the current allocation, and the potential

impacts on a range of protected species (and any consequent impacts on delivery) as a precaution we recommend that this part of the site is removed from the allocation.

NCC Planning Officer response: Site SIL 01 is currently allocated for silica sand extraction in the adopted Minerals Site Specific Allocations Development Plan Document. Planning permission was granted for mineral extraction at site SIL 01 (application number FUL/2020/0021) in August 2021. The permitted extraction area includes part of the '70 & 100 Acre Plantations' County Wildlife Site (CWS). An ecological assessment and a preliminary ecological appraisal report were submitted as part of the Environmental Statement for the planning application which was informed by a Phase 1 Habitat Survey and protected species surveys. The extraction area shown on the Policies Map for SIL 01 in the NM&WLP is consistent with the extraction area permitted under FUL/2020/0021, although the planning permission boundary includes a much larger area to include the haul route and conveyor to the existing plant site, location of sand stockpile, grassland and woodland (including the 70 & 100 Acre Plantations CWS) to be managed to provide biodiversity enhancements. An agricultural land survey was also submitted as part of the planning application which determined that the 15.3 hectare proposed quarry extraction area includes approximately 4.8 hectares of grade 3b agricultural land, 3.3 hectares of undisturbed woodland and bracken and 7.2 hectares of previously disturbed land consisting of mainly woodland and bare ground. Therefore, no changes are proposed to be made to the extraction area shown for site SIL 01, in order for the allocated site to remain consistent with the existing planning permission for mineral extraction at this site.

One representation received commenting on paragraph S1.13 of the supporting text to Policy SIL 01:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkq>

Representation [Rep ID: 99197]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. SIL01 Internal Drainage District Watershed catchment is King's Lynn IDB.

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage. Planning permission was granted for site SIL 01 (application number FUL/2020/0021) in August 2021. A Hydrogeological Impact Assessment (HIA) and a Flood Risk Assessment were submitted as part of the planning application. The HIA stated that settlement lagoons would be used for the dewatered water prior to discharge to the existing Leziate Plant Site water management system where suspended solids will be settled out prior to discharge to meet discharge consent conditions. Paragraph 4.2.7 of the HIA states that there is to be no water discharge from the proposed development above greenfield runoff rates and all excess runoff will be attenuated within the proposed development.

Policy MIN 69 Aylmerton

One representation received commenting on Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99323]: (Comment)

On the wording of Specific Site Allocation Policy MIN 69 (land north of Holt Road, Aylmerton) Norfolk Gravel would re iterate the same points as above, and would comment as follows:-

- criteria d is proposed to be simplified, with any requirements to upgrade the nearby highway removed;
- the need for criteria e is questioned as the stand off is already significant due to the provision of advance planting that would remain in situ;
- under criteria j instead of using the word “necessary” the council could use the wording “need to be maintained” as the advance planting is already installed;
- it is suggested that criteria o be split into two, one aspect related to footpaths and the other related to interpretation boards. Again, however it is questioned why such content needs to be included when it already forms part of the conditions and obligations under consent ref FUL/2019/0001.

A key aspect for the remainder of the allocation area would be to continue to maintain a very high quality restoration scheme for both the existing site, and proposed extension, with an emphasis on nature conservation habitat (specifically heathland), with improved public access, better access to geodiversity and retention of exposures wherever possible; together with information boards (conveying information about the ecology, geology and geomorphology of the site). The provision of permissive routes through the restoration landform would also be continued to be considered by Norfolk Gravel as part of any future development scheme. In general terms the company supports the allocation of site MIN69, with the above intended to provide greater context and content for the allocation profile.

Suggested change:

- criteria d is proposed to be simplified, with any requirements to upgrade the nearby highway removed;
- the need for criteria e is questioned as the stand off is already significant due to the provision of advance planting that would remain in situ;
- under criteria j instead of using the word “necessary” the council could use the wording “need to be maintained” as the advance planting is already installed;
- it is suggested that criteria o be split into two, one aspect related to footpaths and the other related to interpretation boards. Again, however it is questioned why such content needs to be included when it already forms part of the conditions and obligations under consent ref FUL/2019/0001.

NCC Planning Officer response:

Criteria d – The Highway Authority has been consulted regarding the Allocation Policy MIN 69. It is still their view that the junction between Briton’s Lane and the A148 is substandard and requires improvements to allow HGV traffic to safely turn right into Briton’s Lane, and that improvement is likely to require the installation of a righthand turning lane. This was the view of the Highway Authority for application FUL/2019/0001, and the basis of their objection which they did not remove. The decision makers who granted permission for FUL/2019/0001 did so having weighed the objection of the Highway Authority against the other material considerations of the proposed development. The granting of permission does not remove this objection or alter the view of the Highway Authority regard the junction of Briton’s Lane and the A148. Therefore, it is not proposed to modify the requirement for junction improvements within the allocation policy MIN 69.

Criteria e – The Anglian Water watermain is located outside the allocation site but is on the southern boundary and it is accepted that currently a standoff may exist as the result of advanced planting on the southern part of the allocation site. However, we do not have any confirmation from Anglian Water that the area under advanced planting would provide a sufficient standoff distance to the water main. Secondly, there is no planning condition that currently links the advanced planting to any standoff from the water

main. Therefore, the planting could potentially be reduced in a subsequent application for the mineral extraction. In conclusion, it is considered that criteria e should remain to ensure that sufficient standoff from the water main is included within the material considerations for any future planning application.

Criteria j – We agree that the criteria wording should be amended as suggested and a modification to the policy will be proposed.

Criteria o – we agree that criteria o could be two separate requirements, one aspect related to footpaths and the other related to interpretation boards. However, the current format does not make the policy unsound and therefore we do not propose to modify criteria o. The content of criteria o is required because there are public rights of way within site MIN 69 that are located outside the land covered by planning permission FUL/2019/0001. There is also the potential for interpretation boards to be located on land within site MIN 69 that is located outside the land covered by planning permission FUL/2019/0001.

One representation received commenting on the Site Characteristics paragraph of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99316]: (Comment)

Norfolk Gravel has secured planning consent (ref FUL/2019/0001) to recover approximately half of the mineral resource identified in this allocation profile. This planning consent was granted by the members of the council's planning committee, as it represented as a sustainable and logical extension to the current site utilising the processing and access infrastructure (including access arrangements) of the latter. As such 1 million tonnes of the 2 million tonne allocation already forms part of the sand and gravel landbank. The planning consent was implemented in early 2021, and the extraction operations are within the allocation area. It is therefore proposed that the initial bullet points under the site specific content take this into account. Norfolk Gravel would also question the need to cover the northern part of the allocation area as this is now operable. Norfolk Gravel would be happy to provide further plan work to support this aspect should the council requires

Suggested change: Norfolk Gravel has secured planning consent (ref FUL/2019/0001) to recover approximately half of the mineral resource identified in this allocation profile. As such 1 million tonnes of the 2 million tonne allocation already forms part of the sand and gravel landbank. The planning consent was implemented in early 2021, and the extraction operations are within the allocation area. It is therefore proposed that the initial bullet points under the site specific content take this into account. Norfolk Gravel would also question the need to cover the northern part of the allocation area as this is now operable.

NCC Planning Officer response: Noted. The landbank calculation for the NM&WLP has taken into account that 1 million tonnes from the allocated site MIN 69 is already included in the landbank figure for 2021. A minor modification will be proposed to make this clearer in the site characteristics section. The assessment of site MIN 69 that has been carried out for both the northern (permitted) and southern extension areas together. Therefore, whilst the northern area of the site has received planning permission which has been implemented, if the northern area of the site was removed from the plan the site would need to be reassessed to consider the southern part on its own, both in the document text in the NM&WLP, the Sustainability Appraisal, Habitats Regulations Assessment etc. Therefore, we do not currently propose to remove the northern permitted part of the site from the NM&WLP.

One representation received commenting on paragraph M69.1 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99317]: (Comment)

Suggested change: Norfolk Gravel would not disagree with the wording of paragraph M69.1 which is factual in nature but would suggest that for context the influence of the A148 on local amenity is clearly indicated as this forms part of the baseline consideration of any scheme.

NCC Planning Officer response: The paragraph states that the A148 Holt Road is between the southern site boundary and seven of the sensitive receptors that are within 250m of the site. A minor modification will be

proposed to explain that there are existing emissions to air and noise arising from traffic movements on the A148.

One representation received objecting to paragraph M69.2 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99318]: (Objection)

Regarding paragraph M69.2, this matter was subject to detailed consideration as part of the determination of application ref FUL/2019/0001, with the Local Members agreeing at the point of determination that no such upgrades were required to the junction with the A148. Norfolk Gravel would maintain that there is no need or requirement for any upgrades to this junction which has continued to operate without incident even after the recommencement of extraction activities at the site in 2021. Thus, consistent with Paragraph 110 of the NPPF 2021 it can be readily demonstrated that a “safe and suitable access to the site can be achieved for all users”, and as such it is proposed that it is not justified or necessary to include the recommendations for right turn lanes etc. Norfolk Gravel will continue to challenge the inclusion of such wording through all phases of the plan making process.

NCC Planning Officer response: The Highway Authority has been consulted regarding the site MIN 69. It is still their view that the junction between Briton’s Lane and the A148 is substandard and requires improvements to allow HGV traffic to safely turn right into Briton’s Lane, and that improvement is likely to require the installation of a right-hand turning lane. This was the view of the Highway Authority for application FUL/2019/0001, and the basis of their objection which they did not remove. The decision makers who granted permission for FUL/2019/0001 did so having weighed the objection of the Highway Authority against the other material considerations of the proposed development. The granting of permission does not remove this objection or alter the view of the Highway Authority regard the junction of Briton’s Lane and the A148. Therefore, it is not proposed to modify paragraph M69.2 as it correctly reflects the Highway Authority’s view.

One representation received commenting on paragraph M69.5 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99319]: (Comment)

Reference paragraph M69.5, as part of the recently determined planning application Norfolk Gravel, have provided geophysical investigation and trial trench evidence which has identified that whilst there are finds and features on site these are indicative of the surrounding area and as such would only have a local value or significance. These investigations have been set out in a publication report as required under planning conditions. Again, this could be added to provide context, as the report has been published.

NCC Planning Officer response: Noted. A minor modification will be proposed to add summary information on the findings of the archaeological investigations that have already been undertaken on the site.

One representation received commenting on paragraph M69.7 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99320]: (Comment)

Suggested change: Norfolk Gravel would wholly support the wording of paragraph M69.7 although again would ask if this content needs to be updated to reflect the grant of consent FUL/2019/0001, and the issue of consent FUL/2019/0000 which related to the older area of working. It may also be worth identifying that the concrete production relates to ready-mix only, as the site no longer has the ability to manufacture precast or other block work products (same comment applying to paragraph M69.9)

NCC Planning Officer response: Noted. A minor modification will be proposed to update the information in this paragraph as suggested.

Two representations received supporting paragraph M69.9 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99321]: (Support)

Suggested change: Norfolk Gravel would wholly support the wording of paragraph M69.7 although again would ask if this content needs to be updated to reflect the grant of consent FUL/2019/0001, and the issue of consent FUL/2019/0000 which related to the older area of working. It may also be worth identifying that the concrete production relates to ready-mix only, as the site no longer has the ability to manufacture precast or other block work products (same comment applying to paragraph M69.9)

NCC Planning Officer response: Noted. A minor modification will be proposed to update the information in this paragraph.

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99325]: (Support)

Norfolk Gravel would wholly support the wording of paragraphs M69.9 to M69.13 inclusive and would reaffirm that as part of the current planning application the company is developing long term plans to sustainably manage the biodiversity and geo-diversity.

NCC Planning Officer response: Support noted.

One representation received supporting paragraph M69.10 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99326]: (Support)

Norfolk Gravel would wholly support the wording of paragraphs M69.9 to M69.13 inclusive and would reaffirm that as part of the current planning application the company is developing long term plans to sustainably manage the biodiversity and geo-diversity.

NCC Planning Officer response: Support noted.

One representation received supporting paragraph M69.11 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99327]: (Support)

Norfolk Gravel would wholly support the wording of paragraphs M69.9 to M69.13 inclusive and would reaffirm that as part of the current planning application the company is developing long term plans to sustainably manage the biodiversity and geo-diversity. In relation to paragraph M69.11, however Norfolk Gravel would point out that rights of way diversions will be required, and some of these have already been secured as part of the working of the minerals consented under FUL/2019/0001.

NCC Planning Officer response: Noted. A minor modification will be proposed to update the information in this paragraph as suggested.

Two representations received supporting paragraph M69.12 and M69.13 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99328 and 99329]: (Support)

Norfolk Gravel would wholly support the wording of paragraphs M69.9 to M69.13 inclusive and would reaffirm that as part of the current planning application the company is developing long term plans to sustainably manage the biodiversity and geo-diversity.

NCC Planning Officer response: Support noted.

Three representations received objecting to paragraphs M69.14, M69.15 and M69.16 and of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99330, 99331 and 99332]: (Objection)

In relation to Paragraphs M69.14 - M69.16 inclusive there is no justification for the inclusion of criteria specific to these designated sites. The operations (current or proposed) have no potential whatsoever to impact on the identified SSSI's (a point recognised in the draft wording itself), and therefore it is proposed that the inclusion of such matters is neither justified nor effective.

NCC Planning Officer response: Each specific site proposed for allocation in the NM&WLP has been assessed in terms of its potential impact on SSSIs, based on Natural England's Impact Risk Zones for SSSIs, and the assessment of each allocated site has been included in the NM&WLP and the Sustainability Appraisal. (For all proposed sites which are not allocated in the Publication version of the NM&WLP, this assessment was included in the Sustainability Appraisal and the Preferred Options version of the NM&WLP.)

One representation received objecting to paragraph M69.18 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99333]: (Objection)

In relation to Paragraphs M69.14 - M69.16 inclusive there is no justification for the inclusion of criteria specific to these designated sites. The operations (current or proposed) have no potential whatsoever to impact on the identified SSSI's (a point recognised in the draft wording itself), and therefore it is proposed that the inclusion of such matters is neither justified nor effective. The same comments also apply to Paragraph M69.18.

NCC Planning Officer response: Each specific site proposed for allocation in the NM&WLP has been assessed in terms of its potential impact on ancient woodland sites located within 3km of the site boundary and the assessment of each allocated site has been included in the NM&WLP and the Sustainability Appraisal. (For all proposed sites which are not allocated in the Publication version of the NM&WLP this assessment was included in the Sustainability Appraisal and the Preferred Options version of the NM&WLP.)

One representation received commenting on paragraph M69.19 of the supporting text to Policy MIN 69:

Respondent: **Norfolk Gravel** [Person ID: 21953] Agent: **David L Walker Ltd** (D Walker) [Person ID: 8004]

Representation [Rep ID: 99322]: (Comment)

This paragraph relates to matters of geodiversity, and whilst Norfolk Gravel are under a current obligation for a watching brief for the current extension, it does not follow that this would be required for the remainder of site M69. If the current watching brief and annual reporting requirement doesn't identify any features of particular merit or significance, then there may be no need to continue arrangements. Instead of using the word "essential" in the ninth sentence, Norfolk Gravel would merely suggest that the wording "potentially be required" to take account of this occurrence.

Suggested change: Instead of using the word "essential" in the ninth sentence, Norfolk Gravel would merely suggest that the wording "potentially be required" to take account of this occurrence.

NCC Planning Officer response: Noted. It is recognised that the wording of this paragraph is not consistent with the wording of Site Allocation Policy MIN 69 and a minor modification to paragraph M69.19 will be proposed to replace 'essential' with 'is likely to be required'. At the planning application stage Norfolk County Council would be guided by consultation responses from Natural England and the Norfolk Geodiversity Partnership.

One representation received commenting on paragraph M69.20 of the supporting text to Policy MIN 69:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99191]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN69 Internal Drainage District Watershed catchment is Norfolk Rivers IDB.

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangements.

There is no discharge from the northern half of the allocation site which received planning permission (FUL/2019/0001) in October 2020 and contains provision for ephemeral wetland areas at the bottom of the void when the site is restored.

Policy MIN 115 North Walsham

One representation received supporting policy MIN 115:

Respondent: **Westwick Farming Partnership** [Person ID: 21944] Agent: **Savills** (Mark Little) [Person ID: 21945]

Representation [Rep ID: 99217]: (Support)

As agent to the Westwick Farming Partnership, the owners of land outlined within MIN115, I confirm support for the continued inclusion of this area within the Norfolk Minerals and Waste Local Plan.

NCC Planning Officer response: Support noted.

Two representations received objecting to policy MIN 115:

Respondent: **Mr Andrew Bluss** [Person ID: 18422]

Representation [Rep ID: 99099]: (Objection)

My primary concern is with MIN 115 (Lord Anson's Wood, North Walsham). As stated in my previous submission of representation, the impact on the environment alone would be catastrophic!! The acreage of trees that would be destroyed, the associated wildlife that thrives in such a diverse ecosystem. Our own food chain relies on these creatures. From the tiniest of insects to the bees that pollinate our crops to the birds that grace our skies. All would be lost just so we can put a hole in the ground, remove what lies beneath and, when finished in a relatively small timespan, leave it a condition that is beyond the environmental repair that took millennia to create. Planting a few saplings as a token effort of appeasement is nowhere near sufficient.

Then there is the question of the pollution caused, not just from the extraction and removal process involving hundreds of lorries using our narrow country roads but also the building of the plant in the first instance. Mud during the wet seasons! Dust during the dry seasons! Noise from the mining equipment! These are just three examples of what is going to happen despite anything the proposers of this site will say. They do not have to live here. I, and my neighbours, will have to endure all this!

We then have to address the facts that the location is of nationally historic interest. With the site of the Battle of North Walsham plus the crash site of a World War II aircraft plus any other archaeological items from antiquity that are still to be unearthed.

There are other similar mineral rich veins within and around the United Kingdom that could be removed without causing the disturbance this proposal will. I totally object!!

Suggested change: Simple - Go elsewhere!

NCC Planning Officer response: The proposed restoration in the site allocation policy is to deciduous woodland with heathland which would provide Biodiversity Net gains over the coniferous plantation woodland currently occupying the site, which would be cropped for timber in due course. As set out in allocation policy requirement (c) a biodiversity survey and report are required to be submitted at the planning application stage and requirement (d) is for the submission of an Arboricultural Impact Assessment at the planning application stage to identify the impact of the development on existing trees.

The nearest residential property is over 350m from the site boundary, the Chartered Institute of Air Quality states in their guidance on mineral operations that nuisance dust rarely travels over 250m even without mitigation measures. Development Management Criteria Policy MW1 requires planning applications for mineral extraction to demonstrate that there would not be an unacceptable impact on local amenity and health, including noise levels, air quality and dust. These assessments would be prepared in accordance with national guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust.

The proposal for onward transportation of the mineral raised is to use an internal haul route to the B1150 which is a designated HGV route within the Norfolk Road Hierarchy, this is to ensure mineral HGVs enter

onto the Strategic Highway Network at the earliest opportunity. As set out in paragraph M115.2 of the Publication version of the NM&WLP, the Highway Authority considers that a suitable highway access could be formed to the B1150, but it would need to include appropriate visibility splays and be at a location of the B1150 with appropriate levels of forward visibility. This is also set out in allocation policy requirement b. If requested by the Highway Authority, planning permissions for mineral extraction regularly include a condition stating that “vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway”. Compliance with such a condition is monitored and enforced by Norfolk County Council.

Requirement (h) of site allocation Policy MIN 115 is for the submission of an acceptable Heritage Statement at the planning application stage to identify heritage assets and their settings, assess the potential for impacts and identify appropriate mitigation measures if required. Requirement (i) of site allocation Policy MIN 115 requires the submission of an appropriate archaeological assessment at the planning application stage. The policy specifically requires the archaeological assessment to include potential impacts on the wartime military crash site and the 1381 Peasants’ Revolt Battle of North Walsham site. It has often been the case that mineral extraction has facilitated research and excavation into archaeological assets which could not otherwise have been undertaken.

In terms of the suggestion to extract mineral from elsewhere, the National Planning Policy Framework and guidance requires County Mineral Planning Authorities to plan for forecast mineral extraction requirements within their own areas wherever possible. Norfolk County Council held a ‘call for sites’ in 2017 for potential mineral extraction sites to meet the forecast need; MIN 115 was put forward in this process and is an adopted site within the existing Minerals Site Specific Allocations Plan; only sites put forward with the landowner’s permission and appropriate geological investigations can be put forward as Specific Site Allocations. MIN 115 is one of 16 sites allocated for sand and gravel extraction in the Publication version of the NM&WLP.

Respondent: **Mr Anthony Brzeczek** [Person ID: 21922]

Representation [Rep ID: 99147]: (Objection)

I refer to the current Norfolk Minerals and Waste Local Plan and in particular the land known as Lord Ansons Wood, North Walsham Road, Skeyton, reference in the plan MIN115, which has been earmarked as a possible site for the extraction of gravel. I would point out that the roads around this site are no more than country lanes narrow in the most part with verges, banks, hedges and trees and are unsuitable for use by the large lorries which will be required to transport any gravel from the site. Should two of these meet they will be unable to pass. Should one of these lorries meet a car then it is likely one of the vehicles will have to mount a verge or bank causing damage to these and any growing vegetation or trees. Further there is no suitable exit or entrance into the site because of poor visibility. Further the site is within an area of woodland and extraction of minerals at this site will do untold damage to the woodland and wildlife which inhabit these woods. For these reasons I believe it would be wrong to include Lord Ansons Wood in the plan.

NCC Planning Officer response: The proposal for onward transportation of the mineral raised is to use an internal haul route to the B1150 which is a designated HGV route within the Norfolk Road Hierarchy, this is to ensure mineral HGVs enter onto the Strategic Highway Network at the earliest opportunity. As set out in paragraph M115.2 of the Publication version of the NM&WLP, the Highway Authority considers that a suitable highway access could be formed to the B1150, but it would need to include appropriate visibility splays and be at a location of the B1150 with appropriate levels of forward visibility. This is also set out in allocation policy requirement b. The proposed restoration in the site allocation policy is to deciduous woodland with heathland which would provide Biodiversity Net gains over the coniferous plantation woodland currently occupying the site, which would be cropped for timber in due course. As set out in allocation policy requirement (c) a biodiversity survey and report are required to be submitted at the planning application stage.

Two representations received commenting on policy MIN 115:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99429]: (Comment)

Paragraph c. of Specific Site Allocation Policy Min 115, states that there is a requirement for, “an acceptable full biodiversity survey and report, including bat and badger surveys.” It is unclear why protected species surveys have been requested specifically for this site. It should be emphasised that protected species surveys will be required at any of the allocated sites where it is likely that a protected species is present. We would recommend reference to our standing advice [<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>] of protected species.

NCC Planning Officer response: Noted. The Development Management Criteria Policy MW1 requires all proposals for minerals and/or waste development to demonstrate that there will be no unacceptable impacts on the natural environment. The supporting text in paragraph 6.22 states the circumstances when a Biodiversity Survey and Report will be required to support planning applications, including for protected species. The requirement for protected species surveys is contained in the existing policy for site MIN115 in the adopted Minerals Site Specific Allocations Development Plan Document and has been carried forward into the new policy in the NM&WLP. Specific mention of protected species surveys had been made in the original site allocation policy requirements for site MIN 115 because we had received consultation responses that indicated that protected species are found in proximity to the site.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99254]: (Comment)

We welcome the reference in paragraph M115.3 and 115.5 to the nearby heritage assets and the need to provide a heritage statement to identify appropriate mitigation with any planning application. We welcome the reference to a heritage statement in the policy as well as reference to nearby heritage assets. We also welcome the reference to archaeology requirements in the policy and supporting text.

NCC Planning Officer response: Noted.

One representation received commenting on paragraph M115.17 of the supporting text to policy MIN 115:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99192]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN115 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangements.

Policy MIN 207 Briston

One representation received objecting to policy MIN 207:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99255]: (Objection)

We understand from the Council that planning permission has now been granted for this site and to that end the principle of development has been established. Nevertheless, it is still important for the policy to set out an appropriate policy framework for the protection of the historic environment as the extant planning permission may not be implemented and an alternative application may be submitted. In order to make this policy effective, we recommend that the policy would be improved by specifically referencing mitigation measures identified through the planning application process.

This site is located within the Glaven Valley Conservation Area. The nearest listed building is the grade II* remains of the church of St Peter and St Paul and the nearest scheduled monument is the Castle Hill Medieval ringwork at Hunworth. We have concerns regarding this site given its location within the conservation area. We understand that this site now has planning permission and to that end the principle of development has been established. Nevertheless, it is still important for the policy to set out an appropriate policy framework for the protection of the historic environment as the extant planning permission may not be implemented and an alternative application may be submitted. Whilst we broadly welcome criteria e, f and g of the policy, the policy would be improved by specifically referencing mitigation measures identified through the planning application process.

Suggested change: Reference mitigation measures identified through the planning application process in the policy.

NCC Planning Officer response: Planning permission (C/1/2018/1016) was granted for mineral extraction at this site in August 2019 and was implemented in 2022. The Landscape and Visual Impact Assessment submitted as part of the planning application found that the proposal will have no visible impact on the area as it is not visible from any public viewpoint. The completed reservoirs will be below 'ground level' so the water bodies will not be visible from either the Glaven Valley Conservation Area or the wider landscape. Historic England did not object to or raise any comments on the planning application. Therefore, the policy amendments proposed in this representation are not required as mineral extraction operations at this permitted site are controlled by planning conditions.

One representation received commenting on paragraph M207.13 of the supporting text to policy MIN 207:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information -

Representation [Rep ID: 99193]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN207 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. Planning permission (C/1/2018/1016) was granted for mineral extraction at this site in August 2019 and was implemented in

2022. The planning application stated that the natural level of the groundwater is some distance below the base of the excavation which is dry. The site is to be restored to an agricultural reservoir with surrounding grassland. A Flood Risk Assessment was submitted as part of the planning application. The proposals have no outfall to any field drainage.

Policy MIN 208 East Beckham

One representation received commenting on policy MIN 208:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99256]: (Comment)

Whilst there are no designated heritage assets within the site boundary, there are a number of grade II listed buildings to the south of the site and the Upper Sheringham Conservation Area and Sheringham Hall registered park and garden lies to the north of the site. We welcome the reference in paragraph M208.3 - 208.5 to the nearby heritage assets and the need to provide a heritage statement to identify appropriate mitigation with any planning application. We welcome the reference to this in the policy including specific reference to heritage assets. We also welcome the reference to archaeology requirements in the policy and supporting text.

NCC Planning Officer response: Noted.

One representation received commenting on paragraph M208.14 of the supporting text to policy MIN 208:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99194]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN208 Internal Drainage District Watershed catchment is Norfolk Rivers IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangements.

Policy MIN 25 Haddiscoe

Two representations received supporting policy MIN 25:

Respondent: **Mr Tony Watson** [Person ID: 21908]

Representation [Rep ID: 99112]: (Support)

I fully support this site for extraction.

NCC Planning Officer response: Support noted.

Respondent **Breedon Trading Limited** (Shaun Denny) [Person ID: 21948]

Representation [Rep ID: 99213]: (Support)

The Company supports the identification of the Haddiscoe site as a Specific Site for the winning and working of sand and gravel.

NCC Planning Officer response: Support noted.

Twenty representations received objecting to policy MIN 25:

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99257]: (Objection)

We continue to have concerns regarding the potential impact of this allocation on heritage assets. We consider that there is insufficient historic environment evidence to justify its allocation. Whilst we appreciate that an application is due shortly, we would still expect the preparation of a heritage impact assessment to inform the policy wording in the Local Plan, particularly, in respect of potential mitigation for the site. Prepare a proportionate HIA now ahead of the application and EiP to consider the suitability or otherwise of the site and inform its extent and any potential heritage mitigation. The findings of the HIA would then need to inform the policy and supporting text. In order to justify this allocation, ensure consistency with the NPPF and to make the policy wording effective, for these sites we recommend an HIA is prepared now in advance of the EiP. This should provide a robust evidence base for the plan. Any evidence needs to be proportionate and need not necessarily be particularly onerous. For this site a fairly brief HIA will suffice. Our site allocations advice note <https://historicengland.org.uk/imagesbooks/publications/historic-environment-and-site-allocations-in-local-plans/> provides further advice in this respect and we would be happy to discuss the matter further and advise on a suitable way forward.

Whilst there are no designated heritage assets within the site boundaries, there are a number of grade I and grade II listed buildings in close proximity to the site. Of particular concern is the impact on the setting of the Grade I listed Church of St Mary, just 110m away and also the grade II listed White House Farm only 70 metres away. Whilst we note that indicative site buffers/screening are shown on the map, we are still very concerned at the potential impact of the proposed allocation on heritage assets. We note that the plan states that users of the road would not have views of the mineral extraction when viewing the church, but that is not the same as not affecting the setting. Setting impacts can be not just visual but can include noise, dust, vibration etc. Indeed, in relation to the previous application on this site we raised strong objections and we advised that 'In considering the contribution to the historic significance of the church made by its setting, it is clear that some harm will result from the proposed quarry, both during its period of activity and from the permanent change to the landscape.' Although we appreciate that unlike the previous application, the allocation is just to the north of the road. However, we continue to have concerns regarding the potential impact of the allocation on heritage assets. To that end we recommended that a Heritage Impact Assessment is completed at this stage to assess the suitability or otherwise of the allocation and extent of the site and consider any mitigation that might be necessary should the site be found suitable from a heritage perspective. The findings of the HIA would then need to inform the policy and supporting text. Whilst we appreciate that an application is due in late 2022, we would still expect the preparation of a heritage impact assessment to inform the policy wording in the Local Plan, particularly, in respect of potential mitigation for the site. We do welcome criteria a, b, g and h. In addition, we welcome the screening to the around the edge of the site as shown on the map extract.

Suggested change: Prepare a proportionate HIA now ahead of the application and EiP to consider the suitability of the site and inform its extent and any potential heritage mitigation. The findings of the HIA would then need to inform the policy and supporting text.

NCC Planning Officer response: As advised by Historic England, a Heritage Impact Assessment has been prepared for site MIN 25 and will form part of the evidence base supporting the submission of the Minerals and Waste Local Plan. The HIA includes an archaeological desk-based assessment and an assessment of potential visual, noise, dust, vibration and traffic impacts on built heritage and mitigation measures.

Respondent: **Mr Anthony Burton and Mrs Sheila Burton** [Person ID: 17822 and 17937]

Representation [Rep ID: 99370 and 99402]: (Objection)

M25 - S4.1 - This states that "Mineral development and Waste Management within Norfolk will be undertaken that minimise and mitigate their contribution to climate change. The plan acknowledges that gravel extraction is climate heavy. MS08 states "to ensure mineral development addresses the impacts it will have on climate change by minimising greenhouse gas emissions during the winning, working and handling of minerals, providing for sustainable patterns of minerals transportation where practicable and integrating features consistent with climate change mitigation and adoption into design and restoration and aftercare proposals" MIN25 is particularly climate change heavy since as the sand and gravel is quarried which releases 100% carbon, but only the gravel is required and transported to the Breedon Norton Subcourse Quarry. Additionally the Breedon proposal is to return the site to the landowner for an unspecified use. This is inconsistent with a positive climate change aftercare proposal.

M25 states "The site will need to be worked without dewatering, unless an Hydrogeological Impact Assessment identifies either no unacceptable Hydrological impacts or appropriate mitigation is identified to ensure no acceptable impact to Hydrogeology" The site is at the highest point of the village and in close proximity to dwellings. 6.44 states that "mineral development must also ensure that there will be no significant change to the ground water or surface water levels, including monitoring of dewatering operations to ensure on adverse impacts on surrounding water availability and/or the water environment" The excavation will have an unspecified impact on the water tables of the dwellings in the village, which have already been materially impacted by a combination of heavy rainfall and prolonged drought conditions. This is unsound and ineffective.

NCC Planning Officer response: Please refer to the responses to representations 99387 and 99389 (Haddiscoe Parish Council).

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99377]: (Objection)

As our Parish Council members are not legally qualified, we cannot comment on the legality of the document however we would like to express our opinion on the different points raised as they are unsound and not effective. This area has previously been designated and had planning permissions applied for. After a great deal of expense and upset to our parishioners planning was refused. Even before the closing date of this pre-submission document Norfolk County Council have again validated a planning application from Breedon and consultations on this will start this week (Ref FUL/2022/0056). Please take into account the views of the households who live and work in this area.

NCC Planning Officer response: A planning application can be submitted at any time, and its determination is independent of the plan making process for the NM&WLP. There are only very limited reasons for deciding that the determination of a planning application is premature in relationship to plan-making; and would be largely limited to applications considered to be of a strategic scale, which is not the case for the proposed development at Haddiscoe. The representations submitted in response to the NM&WLP will all be considered by the independent Planning Inspector in their examination of the NM&WLP.

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99387]: (Objection)

M25. S4.1 states that “Mineral development and Waste Management within Norfolk will be undertaken that minimise and mitigate their contribution to climate change”. The plan acknowledges that gravel extraction is climate heavy. MS08 states “to ensure that mineral development addresses and minimises the impacts it will have on climate change by minimising greenhouse gas emissions during the winning, working and handling of minerals, providing for sustainable patterns of minerals transportation where practicable, and integrating features consistent with climate change mitigation and adaptation into the design and restoration and aftercare proposals”. Min 25 is particularly climate change heavy as the sand and gravel is quarried, which releases the 100% carbon, but only the gravel is required and transported to the Breedon Norton Subcourse Quarry. Additionally, the Breedon proposal is to return the land to the land owner for an unspecified use, this is inconsistent with a positive climate change aftercare proposal. This is unsound and ineffective.

NCC Planning Officer response: The carbon dioxide emissions from aggregate mineral extraction arise from the use of electricity and fossil fuels in the machinery used to extract, process and transport the minerals. Carbon is not released by the removal of sand and gravel from the ground. Most of the carbon dioxide emissions arising from aggregate mineral extraction are related to the distance the mineral is transported from the mineral working to the customer.

The site is proposed to be restored to a combination of acid grassland, woodland planting and shallow wetland/pool. Specific site allocation Policy MIN 25 (c) requires “the submission of an acceptable, phased working and progressive restoration scheme to a nature conservation afteruse, including retention of boundary hedgerows and trees to provide landscape and biodiversity net gains”. Any planning permission granted would include a condition to ensure that the submitted restoration scheme is complied with.

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99389]: (Objection)

M25. States “The site will need to be worked without dewatering, unless a Hydrogeological Impact Assessment identifies either no unacceptable hydrogeological impacts or appropriate mitigation is identified to ensure no acceptable impact to hydrogeology”; The site is the highest point in the village and in close proximity to dwellings. 6.44 states that “mineral development must also ensure that there will be no significant change in the ground water or surface water levels, including monitoring of dewatering operations to ensure no adverse impacts on surrounding water availability and/or the water environment”. The excavation will have an unspecified impact on the water tables of the dwellings in the village, which have already been materially impact by a combination of heavy rainfall and prolonged drought conditions. This is unsound and ineffective.

NCC Planning Officer response: A hydrological / hydrogeological assessment is a matter for the planning application stage. A hydrogeological assessment has been provided as part of the current planning application (reference FUL/2022/0056) by Breedon Trading Ltd for mineral extraction at this site. The Hydrogeological Assessment (appendix 9.2 of the Environmental Statement) states that the mineral would be extracted dry with no dewatering required because the deepest part of the excavation will be at the average groundwater level across the site. NM&WLP Policy MW1 ‘Development Management Criteria’ would require proposals to demonstrate that the development would not have an unacceptable impact on the quality and quantity of surface water bodies and groundwater.

Respondent: **Haddiscoe Parochial Church Council** (Anthony Burton) [Person ID: 21975]

Representation [Rep ID: 99405]: (Objection)

M25 - S4.1 This states that "Mineral development and Waste Management within Norfolk will be undertaken that minimise and mitigate their contribution to climate change. The plan acknowledges that gravel extraction is climate heavy. MS08 states "to ensure mineral development addresses the impacts it will have on climate change by minimising greenhouse gas emissions during the winning ,working and handling of minerals, providing for sustainable patterns of minerals transportation where practicable and integrating features consistent with climate change mitigation and adoption into design and restoration and aftercare proposals" MIN25 is particularly climate change heavy since as the sand and gravel is quarried which releases 100% carbon, but only the gravel is required and transported to the Breedon Norton Subcourse

Quarry. Additionally the Breedon proposal is to return the site to the landowner for an unspecified use. This is inconsistent with a positive climate change aftercare proposal

NCC Planning Officer response: Please refer to the response to representation 99387 (Haddiscoe Parish Council).

Respondent: **Haddiscoe Parochial Church Council** (Anthony Burton) [Person ID: 21975]

Representation [Rep ID: 99406]: (Objection)

M25 states "The site will need to be worked without dewatering, unless an Hydrogeological Impact Assessment identifies either no unacceptable Hydrological impacts or appropriate mitigation is identified to ensure no acceptable impact to Hydrogeology" The site is at the highest point of the village and in close proximity to dwellings. 6.44 states that "mineral development must also ensure that there will be no significant change to the ground water or surface water levels, including monitoring of dewatering operations to ensure on adverse impacts on surrounding water availability and/or the water environment" The excavation will have an unspecified impact on the water tables of the dwellings in the village, which have already been materially impacted by a combination of heavy rainfall and prolonged drought conditions. This is unsound and ineffective

NCC Planning Officer response: Please refer to the response to representation 99389 (Haddiscoe Parish Council).

Respondent: **Stopit2** (Marcus Aldren) [Person ID: 21951]

Representation [Rep ID: 99505]: (Objection)

M25. States "The site will need to be worked without dewatering, unless a Hydrogeological Impact Assessment identifies either no unacceptable hydrogeological impacts or appropriate mitigation is identified to ensure no acceptable impact to hydrogeology"; The site is the highest point in the village and in close proximity to dwellings. 6.44 states that "mineral development must also ensure that there will be no significant change in the ground water or surface water levels, including monitoring of dewatering operations to ensure no adverse impacts on surrounding water availability and/or the water environment". The excavation will have an unspecified impact on the water tables of the dwellings in the village, which have already been materially impact by a combination of heavy rainfall and prolonged drought conditions. This is unsound and ineffective.

M25. S4.1 states that "Mineral development and Waste Management within Norfolk will be undertaken that minimise and mitigate their contribution to climate change". The plan acknowledges that gravel extraction is climate heavy. MS08 states "to ensure that mineral development addresses and minimises the impacts it will have on climate change by minimising greenhouse gas emissions during the winning, working and handling of minerals, providing for sustainable patterns of minerals transportation where practicable, and integrating features consistent with climate change mitigation and adaption into the design and restoration and aftercare proposals". Min 25 is particularly climate change heavy as the sand and gravel is quarried, which releases the 100% carbon, but only the gravel is required and transported to the Breedon Norton Subcourse Quarry. Additionally, the Breedon proposal is to return the land to the land owner for an unspecified use, this is inconsistent with a positive climate change aftercare proposal. This is unsound and ineffective.

Suggested change: Drop Min 25 from the plan and refuse the Breedon planning application.

NCC Planning Officer response: Please refer to the responses to representations 99387 and 99389 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Norfolk Holiday Properties** (Sascha Tucker) [Person ID: 21924]

Representation [Rep ID: 99155]: (Objection)

Haddiscoe site has half the tonnage of material based on Breedon's own figures, so is not the most suitable site proposed. The site would have a negative impact on the tourism which Haddiscoe and the surrounding area enjoys. Haddiscoe is an unspoilt and naturally beautiful area, it's peaceful and home to much wildlife. This attracts a range of visitors to the area who stay in holiday homes and use other local services whilst on

holiday. The tourism industry indirectly supports housekeepers, electricians, plumbers, maintenance, caterers, pubs, restaurants, cafes and other establishments. This is an important part of the local economy and a site such as this would be detrimental to this.

Suggested change: Based on the projections, Haddiscoe does not seem to be required. Together with the negative impacts on the area and local economy it should not be considered.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council) regarding the need for the mineral.

Specific Site Allocation Policy MIN 25 (a) requires “the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. The NPPF 2023 (paragraph 211) states that great weight should be given to the benefits of mineral extraction to the economy; this includes indirect benefits in construction, industry, and the wider economy.

Respondent: **Elsbeth Evans** [Person ID: 20322]

Representation [**Rep ID: 99100**]: (Objection)

In response to your letter dated 21 September 2022 it is with great sadness that I find that the area referred to as MIN 25 is again being considered for gravel extraction in spite of not meeting the necessary compliance at the earlier applications. One of my causes of concern relates to the four listed buildings that are within 250m of the proposed site. According to your own documents the nearest, the Grade II listed White House Farm, is a mere 70m away, whilst the furthest is less than double that, being a Grade II listed Monument to William Salter at 130m distance. Whereas I feel sure the applicants would try to site the main activities 250 m away from both these areas, the transport they would be utilising, with the recognised increased carbon emission dangers, not to mention the noise pollution, would be inevitably closer. I refer to your paragraph M25.2 Highway Access, in which it is stated that "The site would access Crab Apple Lane and then turn east onto the B1136 Loddon Road to the junction with the A143 Beccles Road,". Mention of this road also raises the question regarding the safety aspect. This crossroads is already a hazard but with the estimated increase of a possible 80 lorries per day the current highways infrastructure does not take into consideration the pedestrian or cycle traffic, including children having to access the local schools. For this application to be granted this junction would have to be altered prior to the proposed increased heavy goods use. These aforementioned buildings are listed for their historic value and interest. However, there are many dwellings within the locale, the nearest, according to your notes M25.1, is a mere 19m from the site boundary.

Your document continues to state "Even without mitigation, adverse dust impacts from sand and gravel sites are uncommon beyond 250m from the nearest dust generation activities. The greatest impact will be within 100m of a source, if uncontrolled." Yet in the same section it is stated "Most of these properties are within the settlement of Haddiscoe, which is 55m away." The proposed site is actually within the boundaries of the village of Haddiscoe, with many residential properties liable to be affected by the dust, noise and carbon emission pollution that would come with such a venture. In the Minerals Strategic Objectives, in particular MS07, which states "To ensure potential impacts on the amenity of those people living in proximity to minerals developments are effectively controlled, minimised and mitigated to acceptable levels." London controls vehicular carbon emissions, particularly those from diesel vehicles, by severe fines. Is this what is to be included as part of the mitigation process for those residents so afflicted?

Finally, my concerns also include the so-called sweetener that Breedon were proposing (at the summer 2022 consultation session at Haddiscoe village hall), in the subsequent landscaping of the then derelict site, in a decade. I feel this would be far too difficult to enforce after the site were vacated and instead propose that should this or future applications be successful, the applicants be required to pay an annual tithe to the village, that the current residents might put to improvements for the benefit of the village (not least of

which would be the Grade I listed church of Saint Mary, one of the nearest properties that would be affected by this proposal.) I look forward to common decency prevailing in this matter and that this application be seen for what it is: viz the enhancement to the proposers of this application (who are not local – being based in Leicestershire), at the cost of inconvenience and endangered health of the residents of this small Norfolk village, which is minutes away from access to the famous Norfolk Broads. I trust these comments will be seen for their honesty and that this application be declined.

NCC Planning Officer response: The potential impact on heritage assets of mineral extraction within MIN 25 would be subject to detailed evaluation as part of any future planning application when details of the working scheme would be finalised. Specific Site Allocation Policy MIN 25 (a) requires “the submission of an acceptable Heritage Statement to identify heritage assets and their settings, assess the potential for impacts and identify appropriate mitigation measures if required” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable impact on the historic environment, including heritage and archaeological assets and their settings. However, at the allocation stage existing site screening and experience from other mineral workings indicates that an appropriate scheme could be arrived at which would not result in unacceptable impacts on the heritage assets. The Specific Site Allocation policy MIN 25 incorporates indicative buffer/standoff areas to remain unworked and the existing screening boundary hedges to give a potential extraction limit. To support the submission of the Plan a Heritage Impact Assessment of the allocation site has been undertaken, and this will form part of the Examination in Public.

The B1136 and the A143 are both classified as designated HGV routes within the Norfolk Route Hierarchy and so are in principle suitable roads for HGV traffic. The proposer of the site allocation has indicated that screened material raised at Haddiscoe would be likely to be transported to the mineral site at Norton Subcourse for final processing and blending with product raised from that mineral working. Therefore, it is likely that the HGVs exiting MIN 25 at the Crab Apple Lane junction would be turning right away from Haddiscoe. The Crab Apple Lane junction is nearly 370m from the nearest property. The Highway Authority has indicated that in principle a suitable highway access for MIN 25 could be formed at Crab Apple Lane with appropriate highway improvements. Please also refer to the response to representation 99380 (Haddiscoe Parish Council) regarding HGV movements.

Please refer to the response to representation 99111 (Mrs M Downing) regarding noise and dust assessments and health impact assessments.

Air quality issues and carbon emissions are two separate matters. London’s emission control zones are principally to control air quality by reducing nitrogen dioxide concentrations and emissions of fine particulate matter (PM 2.5); these are a particular problem in large urban areas due to the concentrations involved resulting from the many tens of thousands of vehicles used daily. This is not an issue in rural areas due to the far lower concentrations, Air Quality Management Areas (AQMAs) are the national method by which areas of air quality concern are highlighted, all the AQMAs within Norfolk are within urban areas, principally around roads prone to high volumes of slow-moving traffic at peak times. Carbon emissions from the transport of extracted mineral are considered as part of the Sustainability Appraisal process.

The restoration of modern mineral extraction sites forms an essential part of the consideration of the planning application. Restoration to an approved scheme is controlled by a condition within any grant of planning permission for extraction, and is linked to the land, which makes the landowner ultimately responsible for it, although the mineral operator would be likely to carry out the restoration as part of the legal agreement for extraction. That the proposer of the allocation is a national company is not a material consideration in planning, and the mineral need being planned for is for Norfolk’s forecast growth requirements.

The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Mr Christopher Johnson** [Rep ID: 21918]

Representation [Rep ID: 99104]: (Objection)

MP1 The Haddiscoe site could be removed completely if all other sites were approved if not it would further increase the excess supply. Therefore, I believe this to be unsound and totally not justified. M25 The Breedon presentation on 16th June 2022 estimated that this quarry would only produce 0.65m tonnes therefore its removal would have very little impact on the plan. Indeed, if include re-cycled aggregates it would remove totally the need for the quarry here at Haddiscoe. Therefore, I believe this is unsound & not justified.

Suggested change: The application should be rejected in full

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Mrs Maria Downing** [Rep ID: 21917]

Representation [Rep ID: 99111]: (Objection)

MIN25 is located in an integral part of the village. This will undoubtedly have a negative effect on all villagers many of whom live within 250 m of the proposed site. I personally strongly object due to the negative health problems resulting from fine airborne particles.[Redacted personal data]. The inevitably noise, disturbance and upheaval will impact villagers' mental health and enjoyment of their environment. There will be diggers and loaders daily dealing with the movement/filtering/shaking/sieving of stones and sand etc along with traffic and pollution from 80 HGV movements per day using compulsory reversing beepers. Please carefully consider, this proposal is to be set in the middle of a quiet Norfolk village. This contradicts the Mineral Strategic Objectives, particularly MS07, which states "To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels". I do not feel this proposal takes into consideration the village and the occupiers.

NCC Planning Officer response: Specific Site Allocation Policy MIN 25 (a) requires "the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts" at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. Therefore, this would align with the Minerals Strategic Objective MS07 by requiring appropriate controls in the form of mitigation measures to ensure potential impacts are at acceptable levels.

Such planning conditions may specify the types of warning system used by HGVs on the extraction site if the assessments identify these as a potential source of unacceptable impacts outside the site. Experience of mineral extraction in Norfolk has shown numerous circumstances where effective control of potential amenity impacts has been included within conditions in the grant of planning permission. Modern well maintained screening plants combined with well-considered siting and other mitigation measures can ensure no unacceptable impacts even in proximity to sensitive receptors.

Norfolk County Council's 'Validation Requirements for Minerals and Waste Planning Applications' (June 2023) requires a Health Impact Assessment to be submitted with planning applications for mineral extraction operations. A Health IA will assess the potential health impacts (including on mental health and wellbeing) from the proposed development and where appropriate identify mitigation measures to avoid or minimise negative consequence such that no unacceptable impacts occur.

Please refer to the response to representation 99380 (Haddiscoe Parish Council) regarding HGV movements.

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99172]: (Objection)

The Breedon presentation on 16.6.22 estimated that Haddiscoe site would only produce 0.65m tonnes, so its removal would have a minimal impact on the overall plan and also the inclusion of re-cycled aggregate removes the need for MIN 25 Haddiscoe site.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council).

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99177]: (Objection)

Referring to MP1, it appears that Haddiscoe MIN 25 could be surplus to requirements and not necessary if all other sites are approved.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council).

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99134]: (Objection)

This is immediately adjacent to the Broads Authority boundary

Landscape impact concerns are as follows:

Proximity and landscape sensitivity mean that there would be potential for adverse effects on the Broads and setting.

Visual: processing plant – topography could enable this to be more visible. Possible lighting associated with plant and operation would exacerbate visual effects. Bunding during the extraction phases could also cause visual intrusion.

Footpath to NE across marshes - users are sensitive receptors. There may also be views from northern valley side above Blunderston/Flixton to Herringfleet Marshes.

Noise from plant and lorry movements.

Dust from extraction operations.

Additional lorry traffic on local roads in BA area.

Heritage concerns are as follows:

The proposed site here is immediately adjacent to the BA Executive Area boundary and I would suggest that there is the potential for harm to the setting of listed buildings, in particular, the White House, which is positioned to the north-east of the site.

In its assessment the document appears to assess the impact on heritage assets largely in terms of potential views of the mineral extraction site.

However, I would suggest that the definition of ‘setting’ is somewhat wider than that, with the NPPF glossary definition stating it is ‘the surroundings in which a heritage asset is experienced’. The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 guidance by Historic England goes on to state (p2): ‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors, such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places’.

Amenity concerns are as follows:

This scheme is going to bring new mineral extraction to the area. There are properties and businesses nearby, that are already in existence. The amenity impacts of the scheme on existing properties needs to be considered. Any scheme will need to consider and address amenity policy requirements and this could relate to the issue or noise, dust, over bearing, hours of operation for example. Has an assessment on the impact on amenity been completed as part of the consideration of this site?

Suggested change: Policy MIN 25 (b) refers to the submission of an acceptable Landscape and Visual Impact Assessment. However, it doesn’t include the Broads. The assessment of impacts on the Broads needs to be included as an aim of the study.

The potential for detrimental impact on designated heritage assets is greater than implied in the policy. This section needs to improve reference to the potential for harm to the setting of listed buildings, in particular, the White House. I would suggest that there is some acknowledgement in M25.4 to the impact on the setting of the listed buildings being more than visual and in the last sentence it should say that it may be necessary to require measures to reduce the potential impacts on the setting of issues such as noise, dust and vibration, as well as providing the screening etc referred to, to reduce visual impacts.

Amenity impacts and concerns and the impact on any existing buildings and occupiers needs to be emphasised and addressed in this policy.

NCC Planning Officer response: If external lighting is proposed at a development, then lighting details and lighting assessments are required as part of the planning application process, together with mitigation measures to ensure that unacceptable adverse impacts do not occur, which would be conditioned as part of any planning permission. An example planning condition would be to require any external lighting to not cause glare beyond the site boundary and to require that lighting is not used at night when the site is not operational. A planning application has been submitted by Breedon Trading Limited for mineral extraction at this site (reference FUL/2022/0056). The planning application states that there will be no lighting when the site is not operational. If permitted, then the operational hours of the site will be limited by planning condition. The operational hours proposed in the planning application are 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Regular monitoring and enforcement of compliance with planning conditions is carried out by Norfolk County Council as the Mineral Planning Authority.

The proposed allocation is screened by mature planting and the valley side to the north is wooded, as MIN 25 is only at a slight incline of a few metres across the site views from within the Broads Authority Executive Area would be screened at both short and long distance. The established screening surrounding the site is a mixture of deciduous and evergreen species, and bunding would be set behind the screening and grassed which would reduce the potential impacts from any bunding itself. The site proposer intends that processing of the mineral would take place at the already permitted plant site at Norton Subcourse quarry. Any screening plant at the Haddiscoe site could be low level and would be subject to assessment in any future planning application through a Landscape and Visual Impact Assessment (LVIA) as set out in requirement (b) of Specific Site Allocation Policy MIN 25. Paragraph 6.23-6.26 of the Publication version of the NM&WLP states that an LVIA will be required for mineral extraction and includes a number of features to be considered regarding the character of Norfolk landscapes including the Broads Authority Executive Area generally, therefore it is not necessary for the requirement to refer to The Broads specifically as it states "...any potential impacts to the wider landscape...".

Specific Site Allocation Policy MIN 25 (f) requires "the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway" at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane. If required, a maximum annual extraction rate can be controlled by planning condition.

Specific Site Allocation Policy MIN 25 (a) requires "the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts" at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. As such the potential for these impacts and appropriate mitigation would be identified for all relevant receptors. Vibration from sand and gravel

workings is not a significant issue due to the depth of working and the nature of the working methods, this only tends to be an issue for hard rock quarries where blasting is used to obtain material.

Regarding designated heritage assets, Specific Site Allocation Policy MIN 25 requirement (g) states that any future planning application will need to include a Heritage Statement to identify heritage assets and their settings, including the Grade II listed White House Farm, and the potential for impacts and identify appropriate mitigation if required. A Heritage Impact Assessment of the allocation MIN 25 will accompany the submission of the Minerals and Waste Local Plan for examination.

Respondent: **Mr Andrew Clouting** [Person ID: 21921] and **Alyson Moyse** [Person ID: 21939]

Representation [Rep ID: 99199 and 99200]: (Objection)

We are very angry and frustrated that yet again we are having to go through this process. The proposed site sits right on top of our village and people's homes. It is clearly visible as you approach the village, particularly in the winter when the trees are bare no amount of screening or moving of boundaries can hide the fact that this site is still wholly unsuitable. The increase in traffic, noise, dust, pollution and disturbance to the village, is totally unjustified given that now or in the future nothing will be given back to the village. NO PIT NO LANDFILL.

Suggested change: The only changes made to this plan should be to reject this site once and for all.

NCC Planning Officer response: Norfolk County Council, as the Mineral Planning Authority, made a 'call for sites' at the commencement of the NM&WLP review process. A mineral operator proposed MIN 25 at Haddiscoe as a potential mineral extraction site to be considered in the ongoing plan-making process. Regarding the planning application that the mineral operator has since submitted, this is a separate process to plan-making and a planning application can be submitted at any time. The site allocation policy, if adopted, sets out requirements for the determination of any future planning application to assess potential impacts and identify appropriate mitigation measures to ensure that no unacceptable impacts occur as a result of mineral extraction. The NM&WLP sets out the mineral need for Norfolk as a whole; mineral can only be dug where it is found and where a landowner is willing. The allocation policy MIN 25 does not include any proposal for landfill and the site is proposed to be restored to a lower level.

Specific Site Allocation Policy MIN 25 (a) requires "the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts" at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust.

Specific Site Allocation Policy MIN 25 (f) requires "the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway" at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane. If required, a maximum annual extraction rate can be controlled by planning condition.

Specific Site Allocation Policy MIN 25 (b) requires "the submission of an acceptable Landscape and Visual Impact Assessment which will identify any potential impacts on the wider landscape and suggest appropriate mitigate measures; particularly regarding views from nearby properties, surrounding roads and provide protection of the setting of nearby listed buildings. The mitigation measures should include a combination of advanced planting with native species and bunds". The established screening surrounding the site is a

mixture of deciduous and evergreen species, and bunding would be set behind the screening and grassed which would reduce the potential impacts from any bunding itself.

Respondent: **Miss Sari Kelsey** [Person ID: 17814]

Representation [Rep ID: 99223]: (Objection)

Again with Min 25 Haddiscoe village is having to rebuff applications on gravel extraction. How many times must we reject these proposals? The proposed pit will negatively impact on all, not just the 20 immediately adjacent homes. The site is at a high point in our village, so sound of sand being sifted for the gravel it contains will carry across the valley and will reach all. The tree screening is deciduous, so useless in winter. In summer our local weather pattern will result in fine dust covering all. The proposed artificial bunds would destroy the rural character.

Suggested change: The impact of repeated applications for pit creations is threatening to destroy our village and is having a negative impact on the well being of our community and so all and any future applications must cease. Our fields are for cultivation of crops. Good farming stewardship would protect our arable land for future generations need for food, this surely should be an objective for a rural county like Norfolk. In our experience creation of yet more holes in our village results in future applications to fill said hole with waste material.

NCC Planning Officer response: The plan-making and site allocation process is separate from the process for submitting a planning application. A planning application can be made at any time and on any piece of land regardless of its planning history so future planning applications cannot legally be precluded on the site.

Specific Site Allocation Policy MIN 25 (a) requires “the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. The Institute of Air Quality Management states in its guidance on mineral extraction that impacts from fugitive dust rarely cause impacts beyond 250m from the source, even if uncontrolled. However, with modern dust control measures, impacts from fugitive dust would be appropriately mitigated at far shorter distances.

The established screening surrounding the site is a mixture of deciduous and evergreen species, and bunding would be set behind the screening and grassed which would reduce the potential visual impacts from any bunding itself. A Landscape and Visual Impact Assessment would be required at the planning application stage to identify potential impacts to the wider landscape and suggest appropriate mitigation measures.

Development Management Criteria Policy MW1 and Policy MW5 ‘agricultural soils’, would both require the potential impacts on agricultural land to be assessed and considered in the determination of any future planning application. The agricultural land classification for site MIN 25 indicates that the site is grade 3 agricultural land. Therefore, a detailed soil survey will be required to support a future planning application to determine whether any of the land is subgrade 3a which falls within the scope of Best and Most Versatile agricultural land. The NPPF 2023 (paragraph 211) states that great weight should be given to the benefits of mineral extraction to the economy. Norfolk is required to plan for its mineral need through the Local Plan process which considers existing land use amongst other factors. The allocation policy MIN 25 does not include any proposal for landfill and the site proposed to be restored to a lower level.

Respondent: **Louise Grimmer** [Person ID: 21954]

Representation [Rep ID: 99334]: (Objection)

The site abuts the centre of Haddiscoe village, so that it is located less than 250m from a significant number of residential properties. Our own family home is the closest of all to the site, being located between the site and the Church of St Mary. Our house is situated on the B1136, a mere 40m from the site boundary, 300m from the B1136/Crab Apple Lane junction, and 150m from the B1136/A143 junction. MSO7 of paragraph 4.3

(Minerals Strategic Objectives) of the Norfolk Minerals and Waste Local Plan promises to "ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels." Given the location of our home, immediately next door to the site and very near to the main road junctions, it would be unreasonable to claim that objective MSO7 could possibly be met. In addition to the heavy goods vehicle traffic which would be created in the immediate vicinity of our home, noise and dust from the site itself are bound to be so intrusive as to substantially affect our lifestyle, health and wellbeing. It is inconceivable that fencing or screening of any type could provide sufficient and adequate mitigation.

NCC Planning Officer response: Please refer to the response to representation 99111 (Mrs M Downing) regarding the assessment of noise, dust and health impacts. Please refer to the response to representation 99380 (Haddiscoe Parish Council) regarding HGV movements.

Three representations received commenting on Policy MIN 25:

Respondent: **Norfolk Wildlife Trust** (M Jones) [Person ID: 17979]

Representation [Rep ID: 99349]: (Comment)

Suggested change: The site policy needs an additional requirement for any application to include a hydrogeology assessment in order to ensure that impacts on the nearby Devil's End Meadow CWS, which includes wet woodland Priority Habitat around the Landspring Beck, as recommended in section M25.15 of the supporting text for the policy.

NCC Planning Officer response: Any future planning application would need to comply with Development Management Criteria Policy MW1, this requires that planning applications demonstrate that they would not have an unacceptable impact on a number of issues; including 'the quality and quantity of surface waterbodies and groundwater, for resource purposes and to prevent the deterioration of their existing status, and their associated ecosystems'. Therefore, this requirement would ensure that assessment of hydrogeology would support any future planning application, informed by the supporting text within the allocation policy. Development Management Criteria Policy MW1 also requires planning applications to demonstrate that they would not have an unacceptable impact on the natural, geological and hydrogeological environment, (including internationally, nationally or locally designated sites and irreplaceable habitats). Norfolk County Council's 'Local List for the validation of Minerals and Waste Planning Applications' (June 2023) requires a hydrogeology assessment to be submitted with any planning application for development which involves disturbance to the ground that could affect the water table and the movement of water.

Respondent: **Broadland District Council and South Norfolk District Council** (Paul Harris) [Person ID: 21977 and 21979]

Representation [Rep ID: 99500 and 99519]: (Comment)

MIN25 at Haddiscoe – reiterate previous comments: 'the site is very close to the nearest dwelling and the village generally, it would seem to be quite a significant site in terms of volume of material to be extracted, number of lorry movements etc. (we note there is a balance to be struck between length of extraction time and daily vehicle movements, to address concerns raised by the previous refusal of permission). Is there any scope to reduce the extent of the site, moving the boundary away from nearby dwellings and/or phasing the extraction as part of any mitigation? This, along with the impact on the Grade I Listed church and the visual impact of the proposed bunding, was a concern that South Norfolk Council raised in respect of the previous application on this site. In addition, the landscape assessment refers to mature screen planting, it would be useful if retention of this was picked up in the Initial Conclusion.'

In addition, it should be noted that opposite the site on land south of Beccles Road, Haddiscoe, has been put forward as a preferred option for residential development (Part of SN0414) as part of the South Norfolk Village Clusters Housing Allocations Plan.

NCC Planning Officer response: The proposed allocation policy MIN 25 contains a series of requirements for any future planning application which includes the submission of an acceptable Landscape and Visual Impact

Assessment (requirement b). As the purpose of an LVIA is to identify potential impacts and appropriate mitigation measures; and that existing screening would play a significant part in such mitigation any removal would be self-defeating for any applicant. The LVIA along with assessments of other potential amenity impacts such as noise and dust (requirement a) would be likely to identify standoffs as part of a package of mitigation measures. The site allocation policy (requirement c) also requires the submission of an acceptable phased working and progressive restoration scheme including retention of boundary hedgerows and trees.

Specific Site Allocation Policy MIN 25 (a) requires “the submission of an acceptable Heritage Statement to identify heritage assets and their settings, assess the potential for impacts and identify appropriate mitigation measures if required” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable impact on the historic environment, including heritage and archaeological assets and their settings.

The allocation site is well screened by mature planting from St Mary’s Church limiting intervisibility. The allocation site is the northern parcel of land which was subject to a planning appeal in 2014. The Planning Inspector in his report noted in paragraph 26 that the land parcel “to the north, is well screened from Loddon Road and comprises low grade agricultural land, and attracts no landscape objection”. To support the submission of the Plan a Heritage Impact Assessment of the allocation site has been undertaken, and this will form part of the Examination in Public.

Mineral extraction sites in Norfolk with modern planning conditions and plant operate without resulting in unacceptable adverse impacts in proximity to the site and a number have operated where properties are within 250m of the site boundary without giving rise to complaints. The Specific Site Allocation policy MIN 25 incorporates indicative buffer/standoff areas to remain unworked and the existing screening boundary hedges to give a potential extraction limit. If this limit is applied there are no residential properties within 100m, and 45 residential properties within 250m of the extraction. However, the exact distances would be determined as part of the assessments supporting any future planning application when the details of a working scheme have been finalised.

Please refer to the response to representation 99380 (Haddiscoe Parish Council) regarding HGV movements. The proposed allocation of land at Haddiscoe as part of the South Norfolk Village Clusters Housing Allocations Plan is noted.

Thirteen representations received objecting to the Site Characteristics paragraph of the supporting text to policy MIN 25:

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99384]: (Objection)

MP1 states that the shortfall of 12.6m tonnes is less than the estimated resource bank at 15.4m tonnes (appendix 1), so the Haddiscoe site (MIN 25) could be removed altogether and there would still be an excess of 1.5m tonnes (15.4m – 1.3m= 14.1m less 12.6m), assuming that all other sites are approved. The inclusion of recycled aggregates in the methodology would further increase the excess supply. This is unsound and not justified

M25. The Haddiscoe site is included at 1.3m tonnes. The Breedon presentation on the 16.06.22 estimated that the Haddiscoe site will only produce 0.65m tonnes, so its removal would have even less impact on the plan. We would also argue that the inclusion of recycled aggregate removes the need for the Haddiscoe site entirely. This is unsound and not justified.

NCC Planning Officer response: The site was proposed to Norfolk County Council as a potential allocation for mineral extraction with an estimated resource of 1.3 million tonnes of sand and gravel. The current planning application (reference FUL/2022/0056) by Breedon Trading Limited is only to extract the gravel from the site (0.65 million tonnes) and to leave the sand in the site. When calculating the forecast need for sand and gravel during the Plan period, NCC has considered data on recycled aggregates, but we have decided not to make any adjustments to the forecast need for aggregate mineral based on recycled aggregate provision due

to the quality of the data (as set out in paragraph MP1.8 of the NM&WLP). Policy MP1 states that sites for at least 12.597 million tonnes of sand and gravel will be allocated in the NM&WLP to meet the forecast need for aggregates during the Plan period to 2038. The sites allocated in the Publication version of the NM&WLP contain an estimated sand and gravel resource of 15.4 million tonnes available during the Plan period to 2038 which provides some flexibility for the delivery of the allocated sites. This includes the estimated resource of 1.3 million tonnes of sand and gravel at the MIN 25 Haddiscoe site.

Respondent: **Haddiscoe Parochial Church Council** (Anthony Burton) and **Mr Anthony Burton** [Person ID: 21975 and 17822]

Representation [Rep ID: 99403 and 99367]: (Objection)

MP1 States that the shortfall of 12.6m tonnes is less than the estimated resource bank at 15.4m tonnes (appendix 1), so the Haddiscoe site M25 could be removed all together from the plan and there would still be an excess of 1.5m tonnes (15.4 - 1.3 = 14.1 less 12.6m assuming that all other sites are approved. The inclusion of recycled aggregates in the methodology would further increase the excess supply. This is unsound and not justified

M25 The Haddiscoe site is included at 1.3m tonnes. The Breedon presentation in June 2022 estimated that the site would only produce 0.65m tonnes, so its removal would have even less impact on the plan. I would also argue that the inclusion of recycled aggregate removes the need for the Haddiscoe Site M25 entirely. This is unsound and not justified.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council).

Respondent: **Stopit2** (Marcus Aldren) [Person ID: 21951]

Representation [Rep ID: 99506]: (Objection)

MP1 states that the shortfall of 12.6m tonnes is less than the estimated resource bank at 15.4m tonnes (appendix 1), so the Haddiscoe site (MIN 25) could be removed altogether and there would still be an excess of 1.5m tonnes (15.4m – 1.3m= 14.1m less 12.6m), assuming that all other sites are approved. The inclusion of recycled aggregates in the methodology would further increase the excess supply. This is unsound and not justified

M25. The Haddiscoe site is included at 1.3m tonnes. The Breedon presentation on the 16.06.22 estimated that the Haddiscoe site will only produce 0.65m tonnes, so its removal would have even less impact on the plan. We would also argue that the inclusion of recycled aggregate removes the need for the Haddiscoe site entirely. This is unsound and not justified.

Suggested change: Drop Min 25 from the plan and refuse the Breedon planning application.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Ms Tanya Fairlie** and **Mr Tim Haycock** [Person ID: 21915 and 17639]

Representation [Rep ID: 99093 and 99094]: (Objection)

MP1 states that the shortfall of 12.6m tonnes is less than the estimated resource bank at 15.4m tonnes (appendix 1), so the Haddiscoe site (MIN 25) could be removed altogether and there would still be an excess of 1.5m tonnes (15.4m – 1.3m= 14.1m less 12.6m), assuming that all other sites are approved. The inclusion of recycled aggregates in the methodology would further increase the excess supply. This is unsound and not justified

Suggested change: Remove this allocated site.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council).

Respondent: **Ms Tanya Fairlie** and **Mr Tim Haycock** [Person ID: 21915 and 17639]

Representation [Rep ID: 99095 and 99096]: (Objection)

M25. The Haddiscoe site is included at 1.3m tonnes. The Breedon presentation on the 16.06.22 estimated that the Haddiscoe site will only produce 0.65m tonnes, so its removal would have even less impact on the plan. We would also argue that the inclusion of recycled aggregate removes the need for the Haddiscoe site entirely. This is unsound and not justified

Suggested change: Remove this allocated site.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council).

Respondent: **Ms Tanya Fairlie** and **Mr Tim Haycock** [Person ID: 21915 and 17639]

Representation [Rep ID: 99097 and 99098]: (Objection)

MSO6 states “To ensure the sustainable and expedient delivery of mineral extraction while protecting people from harm, positively contributing to the natural, built and historic environments and mitigating against unacceptable adverse cumulative impacts” One such cumulative impact is the call for sites for housing allocation in the Greater Norwich Development plan, which includes four sites adjacent to the A143 in the middle of the village. If some or all of these sites are adopted, then the timeframes will overlap and there is the potential for two major construction sites working either end of the village at the same time which would be even more disruptive in what is already a congested road system. This is unsound and ineffective

Suggested change: Remove this allocated site

NCC Planning Officer response: The Pre-Submission Draft of the South Norfolk Village Clusters Housing Allocations Plan (2023) proposes to allocate one site of 3.01 hectares for up to 35 dwellings within the parish of Haddiscoe (Policy VC HAD1). Specific Site Allocation Policy MIN 25 (f) requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane. If required, a maximum annual extraction rate can be controlled by planning condition.

Respondent: **Mrs Eve Basford** [Person ID: 17842]

Representation [Rep ID: 99383]: (Objection)

plan is to take gravel only and leave sand which will increase noise and dust as it is sorted. Breedon presentation estimated that the Haddiscoe site will only produce 0.65m tonnes and would argue the need for such a small amount unnecessary

Suggested change: this site should not be considered

NCC Planning Officer response: Specific Site Allocation Policy MIN 25 requires “the submission of acceptable noise and dust assessments and a programme of measures to deal appropriately with any amenity impacts” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust.

Please refer to the response to representation 99384 (Haddiscoe Parish Council) regarding the need for mineral.

Respondent: **Mr Nicholas Kennedy** [Person ID: 18724]

Representation [Rep ID: 99441]: (Objection)

M25 The Haddiscoe site was included to be 1.3 m tonnes, the Breedon presentation on 16/6/22 estimated that this site would only produce 0.65 m tonnes so its removal would have even less impact on your own

overall plan. It could also be argued that the inclusion of recycled aggregate removes the need for the Haddiscoe site entirely.

Suggested change: Remove the Haddiscoe proposed pit completely as it is unsound, unjust, and unfair!!

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council).

Respondent: **Mrs Sheila Burton** [Person ID: 17937]

Representation [Rep ID: 99397]: (Objection)

MP1 States that the shortfall of 12.6m tonnes is less than the estimated resource bank at 15.4m tonnes (appendix1), so the Haddiscoe site M25 could be removed all together from the plan and there would still be an excess of 1.5m tonnes ($15.4 - 1.3 = 14.1$ less 12.6m assuming that all other sites are approved). The inclusion of recycled aggregates in the methodology would further increase the excess supply. This is unsound and not justified M25 -The Haddiscoe site is included at 1.3m tonnes. The Breedon presentation in June 2022 estimated that the site would only produce 0.65m tonnes, so its removal would have even less impact on the plan. I would also argue that the inclusion of recycled aggregate removes the need for the Haddiscoe Site M25 entirely. This is unsound and not justified.

NCC Planning Officer response: Please refer to the response to representation 99384 (Haddiscoe Parish Council).

Eighteen representations received objecting to paragraph M25.1 of the supporting text to policy MIN 25:

Respondent: **Stopit2** (Marcus Aldren) [Person ID: 21951]

Representation [Rep ID: 99302]: (Objection)

M25.1 Of all the allocated sites, MIN25 has by far and away the highest number of residential properties within 250 m of the proposed workings at 55 properties (with the exception of MIN40 which is an extension of an existing quarry). All of the other sites have less than 20 residential properties within 250 m of the proposed working area. The MIN25 site, unlike more suitable locations, is right in the middle of a village. This is quite contrary to your own Minerals Strategic Objectives, in particular MS07 which states "To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels". Air Quality: 3.18 states that "Mineral extractions and associated development should be located, designed and operated to ensure no unacceptable impacts on Air Quality". With the proximity to the village and with certain wind strengths and directions, Stopit 2 modelling has confirmed that the impact of MIN25 will extend to impact up to two thirds of the village (104 properties). Consequently the Stopit 2 association represents over 200 parishioners and only 3% are in favour of the proposal. This is unsound and not effective.

M25.1 does not address light pollution in the winter months, at one of the highest elevations in the village. This is contrary to Section 2.4 of this document. This is unsound and not positively prepared

Suggested change: Drop Min 25 from the plan and refuse the Breedon planning application.

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council). No details have been provided in the representation regarding the Stopit2 modelling referred to nor the methodology on which it was based so it is not possible to draw any conclusions from this.

Respondent: **Mr Anthony Burton and Mrs Sheila Burton** [Person ID: 17822 and 17937]

Representation [Rep ID: 99356 and 99390]: (Objection)

The proximity of the site to a large number RESIDENTIAL dwellings (PEOPLES HOMES) which are within 250m of the proposed site. The site is right in the middle of the village, which I believe is contrary to you Mineral Strategic Objectives MS07 which states that the potential impact on the amenity of residents adjacent to the site are effectively minimised, controlled and mitigated.to "acceptable levels ???" Currently nuisance noise from agricultural vehicles can be heard but fortunately this is on an infrequent basis during sowing and harvest times. Air quality - Mineral extractions should be located, designed and operated to ensure no

unacceptable impact on air quality. Because the proposed site is so close to the Village under certain conditions modelling has confirmed that the impact of MIN25 will affect up 2/3rds of the Village. Because of the Rural location of the Village there currently is minimal light pollution. The site is at one of the highest points of the village and during winter months and given the proposed operational hours of the site this is unacceptable.

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council). No details have been provided in the representation regarding the Stopit2 modelling referred to nor the methodology on which it was based so it is not possible to draw any conclusions from this.

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99378]: (Objection)

M25.1 Of all the allocated sites, MIN25 has by far and away the highest number of residential properties within 250 m of the proposed workings at 55 properties (with the exception of MIN40 which is an extension of an existing quarry). All of the other sites have less than 20 residential properties within 250 m of the proposed working area. The MIN25 site, unlike more suitable locations, is right in the middle of a village. This is quite contrary to your own Minerals Strategic Objectives, in particular MSO7 which states “To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels”. Air Quality: 3.18 states that “Mineral extractions and associated development should be located, designed and operated to ensure no unacceptable impacts on Air Quality”. This is unsound and not effective.

M25.1 does not address light pollution in the winter months, at one of the highest elevations in the village. This is contrary to Section 2.4 of this document. This is unsound and not positively prepared.

NCC Planning Officer response: If external lighting is proposed at a development, then lighting details and lighting assessments are required as part of the planning application process, together with mitigation measures to ensure that unacceptable adverse impacts do not occur, which would be conditioned as part of any planning permission. An example planning condition would be to require any external lighting to not cause glare beyond the site boundary and to require that lighting is not used at night when the site is not operational. A planning application has been submitted by Breedon Trading Limited for mineral extraction at this site (reference FUL/2022/0056). The planning application states that there will be no lighting when the site is not operational. If permitted, then the operational hours of the site will be limited by planning condition. The operational hours proposed in the planning application are 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

The proposed allocation site is located on the western edge of the settlement, the development boundaries in the adopted Joint Core Strategy are located to the east and southeast in two parcels; there are also individual properties along the Thorpe Road and B1136 which are in proximity to the allocation site. Mineral extraction sites in Norfolk with modern planning conditions and plant operate without resulting in unacceptable adverse amenity impacts in proximity to the site, and a number have operated where properties are within 250m of the site boundary without giving rise to complaints. The Specific Site Allocation policy MIN 25 incorporates indicative buffer/standoff areas to remain unworked and the existing screening boundary hedges to give a potential extraction limit. If this limit is applied there are no residential properties within 100m, and 45 residential properties within 250m of the extraction. The Institute of Air Quality Management states in its guidance on mineral extraction that impacts from fugitive dust rarely cause impacts beyond 250m from the source, even if uncontrolled by mitigation measures. However, distance is not the only effective mitigation measure to prevent unacceptable impacts from extraction; with modern dust control measures, impacts from fugitive dust would be appropriately mitigated at far shorter distances. Specific Site Allocation Policy MIN 25 (a) requires “the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental

Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. Regular monitoring and enforcement of compliance with planning conditions is carried out by Norfolk County Council as the Mineral Planning Authority. Therefore, this would align with the Minerals Strategic Objective MS07 by requiring appropriate controls in the form of mitigation measures to ensure potential impacts are at acceptable levels.

Respondent: **Haddiscoe Parochial Church Council** (Anthony Burton) [Person ID: 21975]

Representation [Rep ID: 99392]: (Objection)

We wish to make objections to the proposed NW&WLP specific to the site at Crab Apple Lane Haddiscoe ref M25. The proximity of the site to a large number RESIDENTIAL dwellings (PEOPLES HOMES) which are within 250m of the proposed site. The site is right in the middle of the village, which I believe is contrary to you Mineral Strategic Objectives MS07 which states that the potential impact on the amenity of residents adjacent to the site are effectively minimised ,controlled and mitigated.to "acceptable levels ???". Currently nuisance noise from agricultural vehicles can be heard but fortunately this is on an infrequent basis during sowing and harvest times

Air quality - Mineral extractions should be located, designed and operated to ensure no unacceptable impact on air quality

Because the proposed site is so close to the Village under certain conditions modelling has confirmed that the impact of MIN25 will affect up 2/3rds of the Village

Because of the Rural location of the Village there currently is minimal light pollution. The site is at one of the highest points of the village and during winter months and given the proposed operational hours of the site this is unacceptable

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council). No details have been provided in the representation regarding the modelling referred to nor the methodology on which it was based so it is not possible to draw any conclusions from this.

Respondent: **Mr Tim Haycock** [Person ID: 17639] and **Ms Tanya Fairlie** [Person ID: 21915]

Representation [Rep ID: 99085 and 99086]: (Objection)

M25.1 Of all the Allocated sites, MIN25 has by far and away the highest number of residential properties within 250 m of the proposed workings (with the exception of MIN40 which is an extension of an existing quarry). All of the other sites have less than 20 residential properties within 250 m of the proposed working area. The MIN25 site, unlike more suitable locations, is right in the middle of a village. This is quite contrary to your own Minerals Strategic Objectives, in particular MS07 which states "To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels". This is unsound and not effective M25.1 does not address light pollution in the winter months, at one of the highest elevations in the village. This is contrary to Section 2.4 of this document. This is unsound and not positively prepared. The allocation of this site is unsound and ineffective.

Suggested change: Omit this site from the plan

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council).

Respondent: **Mr Lee Howell** [Person ID: 21914]

Representation [Rep ID: 99107]: (Objection)

M25.1 - The impact this proposal has on Village life with many properties being effected is not Fair and Just. This is an elevated site over Haddiscoe, Light pollution during winter months is a concern as well as the dust and noise issues that will evolve from this site being so close to village life. Is consideration being given to the Mental Health and Wellbeing of the residents of the village that this potential extraction site will bring?

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council).

Norfolk County Council's 'Validation Requirements for Minerals and Waste Planning Applications' (June 2023) requires a Health Impact Assessment to be submitted with planning applications for mineral extraction operations. A Health IA will assess the potential health impacts (including on mental health and wellbeing) from the proposed development and where appropriate identify mitigation measures to avoid or minimise negative consequence such that no unacceptable impacts occur.

Respondent: **Norfolk Holiday Properties** (Sascha Tucker) [Person ID: 21924]

Representation [Rep ID: 99153]: (Objection)

M25.1 The Haddiscoe site has the largest number of residential properties close to the proposal. M25.1 There is no mention of addressing light pollution, which is an issue particularly in the Winter months.

Suggested change: Based on the projections, Haddiscoe does not seem to be required. Together with the negative impacts on the area and local economy it should not be considered.

NCC Planning Officer response: Mineral extraction sites in Norfolk with modern planning conditions and plant operate without resulting in unacceptable adverse amenity impacts in proximity to the site, and a number have operated where properties are within 250m of the site boundary without giving rise to complaints. Regular Monitoring and enforcement of compliance with planning conditions is carried out by the Mineral Planning Authority.

Please refer to the response to representation 99173 (Mrs J Catmore) regarding lighting.

Respondent: **Mr Christopher Johnson** [Person ID: 21918]

Representation [Rep ID: 99103]: (Objection)

M25.1 Does not address the matter of light pollution we benefit from 'dark skies' in this area where the night sky can be enjoyed the year round. The proposed site is central, very close to residents and is at one of the highest points in the village. I believe this to be contrary to section 2.4 of the document. Therefore, I believe this to be unsound & not positively prepared. M25.1 Of all sites MIN25 has the highest amount of residential properties with in 250m of the proposed quarry the other sites having less than 20 within the same 250m. The proposed quarry is right in the middle of our Village is contrary to your own Minerals Strategic Objectives. MS07 state 'to ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled minimised & mitigated to acceptable levels. Therefore, I believe this to be unsound & not positively prepared.

Suggested change: The application should be rejected in full

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Mr Nicholas Downing** [Person ID: 21920]

Representation [Rep ID: 99116]: (Objection)

M25.1 Contrasting with all the sites, the MIN25 will be located central to the village and will have the highest number of residential properties within 250 m of the proposed workings. The other sites have 20 residential properties within a 250 m area. We note this is with the exception of MIN 40 which is an extension of an existing quarry. The extension to MIN40 is a real concern as Haddiscoe could potentially have the same adverse decision and problem with a never-ending workings in the middle of the village and residential area which could desecrate and violate the village. This contradicts the Minerals Strategic Objectives, in particular, MS07 which states "To ensure potential impacts on the amenity of those people living in proximity to minerals developments are effectively controlled, minimised and mitigated to acceptable levels".

NCC Planning Officer response: Please refer to the response to representation 99174 (Mrs J Catmore).

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99173]: (Objection)

Contrary to section 2.4 the proposal does not address light pollution in winter months. The site is at one of the highest elevations in the village.

NCC Planning Officer response: If external lighting is proposed at a development, then lighting details and lighting assessments are required as part of the planning application process, together with mitigation measures to ensure that unacceptable adverse impacts do not occur, which would be conditioned as part of any planning permission. An example planning condition would be to require any external lighting to not cause glare beyond the site boundary and to require that lighting is not used at night when the site is not operational. A planning application has been submitted by Breedon Trading Limited for mineral extraction at this site (reference FUL/2022/0056). The planning application states that there will be no lighting when the site is not operational. If permitted, then the operational hours of the site will be limited by planning condition. The operational hours proposed in the planning application are 08:00 to 17:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Regular monitoring and enforcement of compliance with planning conditions is carried out by Norfolk County Council as the Mineral Planning Authority.

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99174]: (Objection)

The MIN 25 site is located in the middle of a village impacting on a larger population than any other proposed site. With ref to MS07 stating "To ensure potential impact on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels".

NCC Planning Officer response: The proposed allocation site is located on the western edge of the settlement, the development boundaries in the adopted Joint Core Strategy are located to the east and southeast in two parcels; there are also individual properties along the Thorpe Road and B1136 which are in proximity to the allocation site. Mineral extraction sites in Norfolk with modern planning conditions and plant operate without resulting in unacceptable adverse amenity impacts in proximity to the site, and a number have operated where properties are within 250m of the site boundary without giving rise to complaints. The Specific Site Allocation policy MIN 25 incorporates indicative buffer/standoff areas to remain unworked and the existing screening boundary hedges to give a potential extraction limit. If this limit is applied there are no residential properties within 100m, and 45 residential properties within 250m of the extraction. The Institute of Air Quality Management states in its guidance on mineral extraction that impacts from fugitive dust rarely cause impacts beyond 250m from the source, even if uncontrolled by mitigation measures. However, distance is not the only effective mitigation measure to prevent unacceptable impacts from extraction; with modern dust control measures, impacts from fugitive dust would be appropriately mitigated at far shorter distances.

Specific Site Allocation Policy MIN 25 (a) requires "the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts" at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust. Regular monitoring and enforcement of compliance with planning conditions is carried out by Norfolk County Council as the Mineral Planning Authority. Therefore, this would align with the Minerals Strategic Objective MS07 by requiring appropriate controls in the form of mitigation measures to ensure potential impacts are at acceptable levels.

Respondent: **Helen Gough** [Person ID: 17772]

Representation [Rep ID: 99207]: (Objection)

The proposed plan for MIN 25 has far more residential properties than other sites, other than maybe one exception. I believe that light pollution especially during winter has not been taken into account and addressed and also this proposed site would have far more detrimental effects on the village in comparison to other potential sites.

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council).

Respondent: **Mr Ray Long** [Person ID: 19722]

Representation [Rep ID 99299]: (Objection)

M25.1 Light pollution, Section 2.4. As this proposed site will no doubt contain valuable plant machinery it will have to be lit after working hours for security purposes. This will provide what i could only imagine light pollution akin to Blackpool illuminations!! I enjoy the lack of industrial light in this village and i can only imagine what it would be like for the poor residents living next door to this light show.

Suggested change: M25.1. Security lighting only to be illuminated for a maximum of 15 seconds in hours of darkness on site.

NCC Planning Officer response: Please refer to the response to representation 99173 (Mrs J Catmore) regarding lighting.

Respondent: **Mrs Eve Basford** [Person ID: 17842]

Representation [Rep ID: 99371]: (Objection)

More residential properties within 250m than any other site for consideration. Noise dust and light pollution etc will affect these properties the most.

Suggested change: Why only set operations back 100m if impact is common up to 250m? should be a lot further away from the centre of the village.

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council).

Respondent: **Mr Nicholas Kennedy** [Person ID: 18724]

Representation [Rep ID: 99438]: (Objection)

M25.1 Looking at it, MIN25 has by far the highest number of residential properties within 250 metres of the site. All other proposed sites have less than 20 properties. Why? This goes against your own minerals strategic objectives which states it ensures potential impacts on those people living in proximity to the development are controlled, minimised, and mitigated to acceptable levels. This is unsound! M25.1 Also does not address anything in regard to light pollution especially in winter months. The area nominated is actually the highest elevation within the village. This again is unsound and not prepared well.

Suggested change: Remove the Haddiscoe proposed pit completely as it is unsound, unjust, and unfair!!

NCC Planning Officer response: Please refer to the response to representation 99378 (Haddiscoe Parish Council).

Respondent: **Mr Nicholas Kennedy** [Person ID: 18724]

Representation [Rep ID: 99442]: (Objection)

MSO6 states "to ensure the sustainable and expedient delivery of mineral extraction whilst protecting people from harm and mitigating against unacceptable adverse cumulative impacts". Once such cumulative impact is the call for sites for housing allocation in the Greater Norwich development plan. This includes 4 sites in and around A143 and the middle of the village. If some or all of them approved, the timeframes proposed would overlap each other having the potential for at least 2 major construction sites working at either end of the village working at the same time. This is frankly ridiculous, unsound, and ineffective.

Suggested change: Remove the Haddiscoe proposed pit completely as it is unsound, unjust, and unfair!!

NCC Planning Officer response: The Pre-Submission Draft of the South Norfolk Village Clusters Housing Allocations Plan (2023) proposes to allocate one site of 3.01 hectares for up to 35 dwellings within the parish of Haddiscoe (Policy VC HAD1). A planning application for mineral extraction would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on any of the matters listed in Policy MW1 'Development Management Criteria' which include local amenity and health; the safety and capacity of the road network; the appearance, quality and character of the landscape, countryside and visual environment; protected

landscapes; the natural, geological and hydrogeological environment; the historic environment and the character and quality of the local area.

Twenty-two representations received objecting to paragraph M25.2 of the supporting text to policy MIN 25:

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99380]: (Objection)

M25.2 describes 80 HGV movements per day but if the processed gravel is to be transported from Norton to Gt Yarmouth or Lowestoft, further HGV movements through Haddiscoe will add considerably to the overall traffic count. Inevitably, not all of these 80 plus HGV movements will be directly between the Breedon Quarry at Norton Subcourse and Crab Apple lane in Haddiscoe (e.g. HGVs on route from other drop offs to Gt Yarmouth or Lowestoft). The roads through the village of Haddiscoe are single track and already heavily used. Without restrictions on the 80 plus additional Breedon HGVs travelling through the village of Haddiscoe, the approval of the Crab Apple Lane site will adversely impact the safety of villagers. Additionally, Crab Apple Lane itself is a single track road, with no way to pass a lorry and no option to reverse onto the busy B1136. Last week there was an accident on this road junction as a lorry was unable to stop driving straight through a fence and hedge. This is unsound and not positively prepared

NCC Planning Officer response: The number of daily vehicle movements associated with the proposed development is directly linked to the rate of mineral extraction and therefore the detail will be provided at the planning application stage. The estimated 80 HGV movements per day in the NM&WLP is based on an estimated annual extraction rate of 150,000 tonnes per annum. A lower annual extraction rate would result in less daily HGV movements. Specific Site Allocation Policy MIN 25 (f) requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane, which are expected to include widening of Crab Apple Lane between the junction with the B1136 and the proposed site access. If required, a maximum annual extraction rate can be controlled by planning condition. The existing mineral working at Norton Subcourse has planning permission to operate until February 2036 and therefore the existing permitted HGV movements from this site are part of the current baseline.

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99386]: (Objection)

M506 states “To ensure the sustainable and expedient delivery of mineral extraction while protecting people from harm, positively contributing to the natural, built and historic environments and mitigating against unacceptable adverse cumulative impacts”. One such cumulative impact is the call for sites for housing allocation in the Greater Norwich Development plan, which includes four sites adjacent to the A143 in the middle of Haddiscoe village. If some or all of these sites are adopted, then the timeframes will overlap and there is the potential for two major construction sites working either end of the village at the same time which would be even more disruptive in what is already a congested road system. This is unsound and ineffective.

NCC Planning Officer response: The Pre-Submission Draft of the South Norfolk Village Clusters Housing Allocations Plan (2023) proposes to allocate one site of 3.01 hectares for up to 35 dwellings within the parish of Haddiscoe (Policy VC HAD1). Specific Site Allocation Policy MIN 25 (f) requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing and permitted development) on the safety and capacity of the highway

network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane. If required, a maximum annual extraction rate can be controlled by planning condition.

Respondent: **Haddiscoe Parochial Church Council** (Anthony Burton) [Person ID: 21975], **Mr Anthony Burton** [Person ID:17822] and **Mrs Sheila Burton** [Person ID: 17937]

Representation [Rep ID: 99404, 99368 and 99399]: (Objection)

MS06 - This states "To ensure the sustainability and expedient delivery of mineral extraction while protecting people from harm, positively contributing to the Natural, Built and Historic environments and mitigating against adverse cumulative impacts" One such cumulative impact is the call for sites for Housing Allocation in the Greater Norwich Development Plan which includes 4 sites adjacent to the A143 in the Centre of Haddiscoe. If any or all of these were to be adopted then the time frames will overlap and there is potential for 2 major construction sites ongoing at either end of the village at the same time which would be even more disruptive in what is already a congested road system. This is unsound and ineffective

NCC Planning Officer response: Please refer to the response to representation 99386 (Haddiscoe Parish Council).

Respondent: **Stopit2** (Marcus Aldren) [Person ID: 21951]

Representation [Rep ID: 99490]: (Objection)

M25.2 describes 80 HGV movements per day but if the processed gravel is to be transported from Norton to Gt Yarmouth or Lowestoft, further HGV movements through Haddiscoe will add considerably to the overall traffic count. Inevitably, not all of these 80 plus HGV movements will be directly between the Breedon Quarry at Norton Subcourse and Crab Apple lane in Haddiscoe (e.g. HGVs on route from other drop offs to Gt Yarmouth or Lowestoft). The roads through the village of Haddiscoe are single track and already heavily used. Without restrictions on the 80 plus additional Breedon HGVs travelling through the village of Haddiscoe, the approval of the Crab Apple Lane site will adversely impact the safety of villagers. Additionally, Crab Apple Lane itself is a single track road, with no way to pass a lorry and no option to reverse onto the busy B1136. This is unsound and not positively prepared

Suggested change: Drop Min 25 from the plan and refuse the Breedon planning application.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Stopit2** (Marcus Aldren) [Person ID: 21951]

Representation [Rep ID: 99504]: (Objection)

MS06 states "To ensure the sustainable and expedient delivery of mineral extraction while protecting people from harm, positively contributing to the natural, built and historic environments and mitigating against unacceptable adverse cumulative impacts". One such cumulative impact is the call for sites for housing allocation in the Greater Norwich Development plan, which includes four sites adjacent to the A143 in the middle of Haddiscoe village. If some or all of these sites are adopted, then the timeframes will overlap and there is the potential for two major construction sites working either end of the village at the same time which would be even more disruptive in what is already a congested road system. This is unsound and ineffective.

Suggested change: Drop Min 25 from the plan and refuse the Breedon planning application.

NCC Planning Officer response: The Pre-Submission Draft of the South Norfolk Village Clusters Housing Allocations Plan (2023) proposes to allocate one site of 3.01 hectares for up to 35 dwellings within the parish of Haddiscoe (Policy VC HAD1). Specific Site Allocation Policy MIN 25 (f) requires "the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway" at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in

combination with other existing and permitted development) on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane. If required, a maximum annual extraction rate can be controlled by planning condition.

The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Ms Tanya Fairlie and Mr Tim Haycock** [Person ID: 21915 and 17639]

Representation [Rep ID: 99087 and 99088]: (Objection)

M25.2 describes 80 HGV movements per day but if the processed gravel is to be transported from Norton to Gt Yarmouth or Lowestoft, further HGV movements through Haddiscoe will add considerably to the overall traffic count. This is unsound and not positively prepared

Suggested change: Remove this allocated site.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council).

Respondent: **Mr Lee Howell** [Person ID: 21914]

Representation [Rep ID: 99109]: (Objection)

The proposed additional movement of traffic through the village of Haddiscoe is not fair on local residents. The Haddiscoe to Hales Rd, is already congested and as it is an undulating section of road additional lorries turning into and out of Crab Apple Lane will be extremely hazardous to other road users.

NCC Planning Officer response: Specific Site Allocation Policy MIN 25 (f) requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane. If required, a maximum annual extraction rate can be controlled by planning condition.

Respondent: **Mr Christopher Johnson** [Person ID: 21918]

Representation [Rep ID: 99102]: (Objection)

M25.2 says 80 HGV movements per day back & forth to Norton this will lead to considerably more overall traffic on our small & very busy roads. Therefore, I believe this to be unsound & not positively prepared. MS06 'to ensure the sustainable & expedient delivery of mineral extraction while protecting people from harm positively contributing to the natural built & historic environments & mitigating against unacceptable adverse cumulative impacts'. The Greater Norwich Development plan includes sites adjacent to A143 in the middle of Haddiscoe village if any or all of these sites are approved the resulting time frames would overlap giving the potential of multiply construction sites/developments in and around the village at the same time. this would lead to extreme disruption in what is already a very congested road system. I therefore believe this unsound unjustified & ineffective.

Suggested change: The application should be rejected in full.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council).

The Pre-Submission Draft of the South Norfolk Village Clusters Housing Allocations Plan (2023) proposes to allocate one site of 3.01 hectares for up to 35 dwellings within the parish of Haddiscoe (Policy VC HAD1). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Norfolk Holiday Properties** (Sascha Tucker) [Person ID: 21924]

Representation [Rep ID: 99154]: (Objection)

M25.2 80 HGV movements per day is significant for a rural location which does not usually experience a fraction of that. The surrounding infrastructure consists of narrow lanes unsuitable for such activity.

Suggested change: Based on the projections, Haddiscoe does not seem to be required. Together with the negative impacts on the area and local economy it should not be considered.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council) regarding HGV movements. Data from Department for Transport traffic statistics shows an Annual Average Daily Flow on the B1136 of nearly 800 goods vehicles with approximately 140 of these being HGVs. Please refer to the response to representation 99384 (Haddiscoe Parish Council) regarding the need for the mineral.

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99178]: (Objection)

M25.2 The proposed 80 HGV movements per day does not take into consideration any HGV movements through Haddiscoe from Norton to Great Yarmouth and Lowestoft adding huge strain on an already heavily used road through Haddiscoe Dam which sees tailbacks into the village even without this added HGV movement.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council).

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99179]: (Objection)

There is potentially development of housing through Greater Norwich Development Plan, on land adjacent to A 143 in the middle of the village. If time frames for development of some or all the 4 proposed sites overlap with MIN 25 construction, this would lead to even more disruption and traffic congestion right through the middle of our already congested main road through the village.

NCC Planning Officer response: The Pre-Submission Draft of the South Norfolk Village Clusters Housing Allocations Plan (2023) proposes to allocate one site of 3.01 hectares for up to 35 dwellings within the parish of Haddiscoe (Policy VC HAD1). Specific Site Allocation Policy MIN 25 (f) requires "the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway" at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact (including cumulative impact in combination with other existing or permitted development) on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane. If required, a maximum annual extraction rate can be controlled by planning condition.

Respondent: **Helen Gough** [Person ID: 17772]

Representation [Rep ID: 99208]: (Objection)

The policy in respect to paragraph M25.2 estimates 80 HGV movements per day. This will add considerable traffic count through the village if as well as this the processed gravel is also taken into account, the roads around the village would be adversely affected.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council).

Respondent: **Mr Ray Long** [Person ID: 19722]

Representation [Rep ID: 99301]: (Objection)

M25.2 HGV movements. Crab Apple Lane on which these movements will start is a well used single track road. No regard has been demonstrated for safe lay by and passing places for villagers and other users including walkers to be safe whilst on this road. The soft verges will not allow HGVs to pull over so we have the potential of cars backing out onto the main B1136 which would be extremely dangerous. As well as this

the amount of dust and gravel debris left by these movements would cause other hazards to vehicles and especially cyclists. Can we guarantee that roads are swept every day? I imagine not!

Suggested change: M25.2. Lay bys and passing places to be correctly constructed on Crab Apple Lane to facilitate the safe passing of cars, walkers and cyclists from the HGVs leaving the site and correct daily cleaning of all roads effected by HGVs leaving site debris in all weather conditions. And I will end with the main fact that it is simply morally wrong to dig a gravel pit next door to a beautiful quiet village!!

NCC Planning Officer response: Specific Site Allocation Policy MIN 25 (f) requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane, which are expected to include widening of Crab Apple Lane between the junction with the B1136 and the proposed site access. If required, a maximum annual extraction rate can be controlled by planning condition. If requested by the Highway Authority, planning permissions for mineral extraction regularly include a condition stating that “vehicles leaving the site shall not be in a condition whereby they would deposit mud or other loose material on the public highway”. Compliance with such a condition is monitoring and enforced by Norfolk County Council.

Respondent: **Mrs Eve Basford** [Person ID: 17842]

Representation [Rep ID: 99372]: (Objection)

Allegedly lorries will be using the B1136, but increasing HGV traffic on a road where oncoming lorries often to have to slow to standstill to pass in opposite directions should not be encouraged. Also Crab Apple Lane floods near a patch of hard standing and has done so for many years with no action to remedy it.

Suggested change: much fewer journeys

NCC Planning Officer response: Specific Site Allocation Policy MIN 25 (f) requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane.

Respondent: **Mr Anthony Burton** [Person ID: 17822], **Mrs Sheila Burton** [Person ID: 17937] and **Haddiscoe Parocial Church Council** (Anthony Burton) [Person ID: 21975]

Representation [Rep ID: 99358, 99391 and 99396]: (Objection)

80 Vehicle movements per day - if processed gravel is transported from the Norton site to Great Yarmouth and Lowestoft, then these additional 80 HGV movements will add considerably to the overall traffic movements through the Village. The roads through the village are single track and heavily used and therefore the approval of the Crab Apple Lane site will severely impact on the safety of Villagers.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council)

Respondent: **Mrs Clare Beatwell** [Person ID: 21962]

Representation [Rep ID: 99388]: (Objection)

M25.2 The site at Crab Apple lane (opposite my quiet and idyllic family home) describes 80+ HGV movements per day. I attended the Breedon presentation on the 16.06.22, it was explained these HGV trucks will transport the processed gravel to numerous sites over the county, massively increasing the overall traffic in the village. My families main concern is the danger associated on Crab Apple lane itself. I use Crab Apple lane several times (at least 4 times) every day (mainly by car and in the summer on foot) to take my children to the local school and nursery, this lane is only wide enough for 1 car and there are no laybys for

passing. The busy road to Hales B1136 would definitely not be possible to reverse out onto. How exactly am I supposed to continue to use this road safely if the proposed plan was to go ahead!!? Also this week in the cold icy weather I have seen 2 trucks (one a milk lorry and one pig feed truck) slide down Crab Apple lane on the ice as this is quite a steep hill that is ungritted by the council. The biggest of these trucks actually smashed through my gate and hedgerow, I have 2 small children so I am very worried. This surely proves this small road is not suitable for large heavy trucks and me attempting to pass them daily would put my family at considerable risk. This Local plan proposed in the middle of a village is unsound and not positively prepared. A traffic, highways and safety assessment needs to be completed, I'm sure this would prove that the site is completely unsafe to go ahead.

Suggested change: A traffic, highways and safety assessment needs to be completed, I'm sure this would prove that the site is completely unsafe to go ahead.

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council).

Respondent: **Mr Nicholas Kennedy** [Person ID: 18724]

Representation [Rep ID: 99440]: (Objection)

M25.2 Describes 80 HGV movements a day but if the gravel is to be transported from Norton to Great Yarmouth or Lowestoft, further HGV movements will be added and will have to travel through Haddiscoe adding to the already considerable overall traffic count, again this is unsound and incorrectly prepared.

Suggested change: Remove the Haddiscoe proposed pit completely as it is unsound, unjust, and unfair!!

NCC Planning Officer response: Please refer to the response to representation 99380 (Haddiscoe Parish Council).

Three representations received objecting to paragraph M25.4 of the supporting text to policy MIN 25:

Respondent: **Mrs Sheila Burton** [Person ID: 17937] and **Mr Anthony Burton** [Person ID: 17822]

Representation [Rep ID: 99395 and 99489]: (Objection)

I also believe that the location of the site will have a visual impact on the Grade 1 Listed St Marys Church as well as noise, light and dust pollution which will affect services, weddings, funerals and the general tranquility of the church grounds

NCC Planning Officer response: Please refer to the response to representation 99407 (Haddiscoe Parochial Church Council).

Respondent: **Haddiscoe Parochial Church Council** (Anthony Burton) [Person ID: 21975]

Representation [Rep ID: 99407]: (Objection)

We also believe that the location of the site will have a visual impact on the Grade 1 Listed St Marys Church as well as noise, light and dust pollution which will affect services, weddings, funerals and the general tranquillity of the church grounds

NCC Planning Officer response: Please refer to the response to representation 99173 (Mrs J Catmore) regarding lighting.

The Specific Site Allocation policy MIN 25 incorporates indicative buffer/standoff areas to remain unworked and the existing screening boundary hedges to give a potential extraction limit. Specific Site Allocation Policy MIN 25 (a) requires "the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts" at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Normal planning conditions for mineral extraction require mitigation measures for noise and dust.

Specific Site Allocation Policy MIN 25 (a) requires "the submission of an acceptable Heritage Statement to identify heritage assets and their settings, assess the potential for impacts and identify appropriate

mitigation measures if required” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable impact on the historic environment, including heritage and archaeological assets and their settings.

The allocation site is well screened by mature planting from St Mary’s Church limiting intervisibility. The allocation site is the northern parcel of land which was subject to a planning appeal in 2014. The Planning Inspector in his report noted in paragraph 26 that the land parcel “to the north, is well screened from Loddon Road and comprises low grade agricultural land, and attracts no landscape objection”. To support the submission of the Plan a Heritage Impact Assessment of the allocation site has been undertaken, and this will form part of the Examination in Public.

Sixteen representations received objecting to paragraph M25.8 of the supporting text to Policy MIN 25:

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99381]: (Objection)

M25.8 describes “a small disused mineral working” on the Eastern boundary. This piece of land belongs to the Parish of Haddiscoe and is used as a recreational ground for children playing and dog walkers. Apart from the nuisance of noise and dust to these parishioners, children play unsupervised and although they may stray out of the pit onto agricultural fields it would be a quite different matter if they fell into a working quarry. This is quite contrary to your own Minerals Strategic Objectives, in particular MSO7 which states “To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels”. It is also at odds with your own Policy MW1 which is supposed to protect “Public Open Space, Local Green Space, the definitive Public Rights of Way network and outdoor recreation facilities”. This is unsound and not positively prepared.

NCC Planning Officer response: Paragraph M25.8 recognises the location of the amenity land. Specific Site Allocation Policy MIN 25 (a) requires “the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). Therefore, this would align with the Minerals Strategic Objective MSO7 by requiring appropriate controls in the form of mitigation measures to ensure potential impacts are at acceptable levels. Noise and dust assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction at the planning application stage. Normal planning conditions for mineral extraction require mitigation measures for noise and dust.

Regulation 16 of the Quarries Regulations 1999 states that “the operator shall ensure that, where appropriate, a barrier suitable for the purpose of discouraging trespass is placed around the boundary of the quarry and is properly maintained”. This legislation is enforced by the Health and Safety Executive who advise that the type of barrier required depends on the risk of public access.

Respondent: **Stopit2** (Marcus Aldren) [Person ID: 21951]

Representation [Rep ID: 99499]: (Objection)

M25.8 describes “a small disused mineral working” on the Eastern boundary. This piece of land belongs to the Parish of Haddiscoe and is used as a recreational ground for children playing and dog walkers. Apart from the nuisance of noise and dust to these parishioners, children play unsupervised and although they may stray out of the pit onto agricultural fields it would be a quite different matter if they fell into a working quarry. This is quite contrary to your own Minerals Strategic Objectives, in particular MSO7 which states “To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels”. It is also at odds with your own Policy MW1 which is supposed to protect “Public Open Space, Local Green Space, the definitive Public Rights of Way network and outdoor recreation facilities”. This is unsound and not positively prepared.

Suggested change: Drop Min 25 from the plan and refuse the Breedon planning application.

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Mr Tim Haycock** and **Ms Tanya Fairlie** [Person ID: 17639 and 21915]

Representation [Rep ID: 99089 and 99090]: (Objection)

M25.8 describes "a small disused mineral working" on the Eastern boundary. This piece of land belongs to the Parish of Haddiscoe and is used as a recreational ground for children playing and dog walkers. Apart from the nuisance of noise and dust to these parishioners, children play unsupervised and although they may stray out of the pit onto agricultural fields it would be a quite different matter if they fell into a working quarry. This is quite contrary to your own Minerals Strategic Objectives, in particular MSO7 which states "To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels" It is also at odds with your own Policy MW1 which is supposed to protect "Public Open Space, Local Green Space, the definitive Public Rights of Way network and outdoor recreation facilities" This is unsound and not positively prepared. This site is allocation is unsound and ineffective

Suggested change: Remove this allocated site

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Respondent: **Mr Christopher Johnson** [Person ID: 21918]

Representation [Rep ID: 99106]: (Objection)

I feel this leads on from my previous paragraph there is a 'small disused gravel pit' on the eastern boundary of the proposed site. This piece of land belongs to the Parish of Haddiscoe it is used by most of the local residents as a recreational area where the peace of the countryside can be enjoyed. It is used as a safe area to walk dogs and for local children to play. The proposed workings would produce an unacceptable level of noise & dust for this area to be enjoyed. At present children can play unsupervised safely in this, area it they stray they will only stray onto arable land it would quite dangerous if were into a working quarry. This counter to your own Minerals Strategic Objectives MSO7 state 'to ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled minimalised & mitigated to acceptable levels' also MW1 of your own policy which is there to protect 'Public Open Spaces, Local Green Areas the Rights of Way network & Outdoor Recreation Facilities. Therefore, I believe this to be unsound & not positively prepared.

Suggested change: The application should be rejected in full

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Mr Lee Howell** [Person ID: 21914]

Representation [Rep ID: 99110]: (Objection)

This proposal will effectively prevent residents in the village using the public space which belongs to the Parish of Haddiscoe on the Eastern Boundary.

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Respondent: **Mrs Maria Downing** [Person ID: 21917]

Representation [Rep ID: 99114]: (Objection)

M25.8 refers to "a small disused mineral working" is adjacent to the proposed site and in fact is a recreational space/play area owned by the Parish of Haddiscoe. We use this frequently especially with our Grandsons who we regularly care for while their single mother is working. Both boys thoroughly enjoy the fresh air and playing in this wonderful quiet place and we also use the area for dog walking purposes. There

is no doubt that the noise, disturbance, dust and pollutants will affect us and our enjoyment of this wonderful space. [Redacted personal data]. This proposal contradicts your own Minerals Strategic Objectives, particularly MS07, stating "To ensure potential impacts on the amenity of those people living in proximity to minerals developments are effectively controlled, minimised and mitigated to acceptable levels". Also, your own policy MW1 supposedly is to protect "Public Open Space, Local Green Space, the definite Public Rights of Way network and outdoor recreation facilities".

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99175]: (Objection)

This is "a small disused mineral working" which is mentioned in M25.8 owned by Parish Council and used for recreational purposes where dog walkers go, and children play in a safe environment. This piece of land is located on the Eastern Boundary to proposed site which could potentially be a hazard should a child wander onto the working quarry. Your policy MW1 states it will protect "Public Open Space, Local Green Space, the definitive Public Rights of Way Network and Outdoor Recreational facilities. This disused mineral working is in immediate vicinity to proposed site and at high risk of dust pollution due to its situation.

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Respondent: **Helen Gough** [Person ID: 17772]

Representation [Rep ID: 99209]: (Objection)

This particular paragraph seems completely at odds and contradictory to your own strategic objective specifically MS07 regarding the impact on the amenity of people living in the area. There is a recreational ground for children and there is a serious safety concern. Public and green space is supposed to be protected and this is at complete odds with the proposal.

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Respondent: **Mrs Eve Basford** [Person ID: 17842]

Representation [Rep ID: 99375]: (Objection)

The former Parish gravel pit is used as a recreational area for children to play, there is a playground at village hall which means children on this side of village have to cross A143, dangerous for adults. No attempt at any boundary hedge has been planted here. This does not comply with MW1 to Protect Public Open Space, Green Space and as a play area could permit children to access the workings.

Suggested change: not appropriate to be so close to village centre, any gravel workings should be further away

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Respondent: **Mr Oliver Beatwell** [Person ID: 21964]

Representation [Rep ID: 99408]: (Objection)

M25.8 describes "a small disused mineral working" on the Eastern boundary. This piece of green open land belongs to the Parish of Haddiscoe and is used by my children for playing. This land and the footpaths that run over the proposed site are also used by my family and many others. The massive increase in traffic, nuisance of noise and dust to us parishioners also poses a risk to children that play and could stray out into a working quarry. This is quite contrary to your own Minerals Strategic Objectives, in particular MS07 which states "To ensure potential impacts on the amenity of those people living in proximity to minerals development are effectively controlled, minimised and mitigated to acceptable levels" It is also at odds with your own Policy MW1 which is supposed to protect "Public Open Space, Local Green Space, the definitive Public Rights of Way network and outdoor recreation facilities." These green and natural open spaces are

vital for both peoples health, wellbeing and the environment and this has not been considered so is unsound and not positively prepared.

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Policy MIN 25 (f) also requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane.

Respondent: **Mr Ray Long** [Person ID: 19722]

Representation [**Rep ID: 99300**]: (Objection)

M25.8 The "small disused pit" on the eastern boundry is hidden oasis in the village and it is used by dog walkers and villagers and their children and grandchildren, including mine for picnics and walks. I feel this piece of land has been completely overlooked by the process and as stated in MS07 "potential impacts on the amenity" does not really cover the potential risk to children, pets and wildlife that use this facility and can we be guaranteed that the site will be protected completely from the public? This site will be impacted.

Suggested change: M25.8 Security fencing to be sympathetically installed as not to spoil the natural look of the area to protect villagers children and pets from straying into a working quarry. I feel a soil bund is hardly adequate.

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Respondent: **Mr Anthony Burton** [Person ID: 17822], **Mrs Sheila Burton** [Person ID: 17937] and **Haddiscoe Parocial Church Council** (Anthony Burton) [Person ID: 21975]

Representation [**Rep ID: 99398, 17822 and 99393**]: (Objection)

The Disused Quarry at the Eastern Boundary of the proposed site is now a Natural Haven for wildlife and is used by Dog Walkers and Children Playing and making Dens in the Woods, and Villagers who just want a tranquil area to walk and relax This will now be next to the Site and as such tranquillity will be a thing of the past and a potential danger to children who may inadvertently stray out of the area and onto the site. Again this would appear to contravene MS07

This also disagrees with your own Policy MW1 to protect Public Space, Green areas and Local green Space and Public Rights of way. The frequently used Public Footpath which bi-sects the site again this will be a loss of amenity.

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council). Site Specific Allocation Policy MIN 25 (e) requires “the submission of a suitable scheme for the temporary diversion and reinstatement of the Public Right of Way” (Haddiscoe BR5) which crosses the site, at the planning application stage. Therefore, there would be no loss of amenity from the Public Right of Way.

Respondent: **Mr Nicholas Kennedy** [Person ID: 18724]

Representation [**Rep ID: 99439**]: (Objection)

M25.8 Describes a small, disused mineral working on the eastern boundary. This belongs to the Parish Council and is used for recreational facilities for my own children and dog. Apart from the noise and dust, children often play unsupervised. What would happen if they strayed away from there and into a working quarry?! This is at odds with your own policy (MW1) which is supposed to protect public open space, local green space, public rights of way and outdoor recreational facilities.

Suggested change: Remove the Haddiscoe proposed pit completely as it is unsound, unjust, and unfair!!

NCC Planning Officer response: Please refer to the response to representation 99381 (Haddiscoe Parish Council).

Twelve representations received objecting to paragraph M25.9 of the supporting text to policy MIN 25:

Respondent: **Haddiscoe Parish Council** (Liz Fulcher) [Person ID: 21961]

Representation [Rep ID: 99382]: (Objection)

M25.9 is misleading in that it infers that the only reason Planning was refused and the appeal in 2014 was rejected, was the part of the proposed development south of the B1136. This is not the case. In his proof of evidence in 2014, Simon Smith (Planning NCC) quotes the original grounds for refusal, including "The landscape and visual impacts of the proposed development, including the construction of artificial bunds and land-raised areas would be detrimental to the appearance and rural character of the area" and "The proposed development would adversely affect the amenities of nearby residents due to increased noise, dust and traffic that would arise from the proposed quarry" which applies to the area as a whole, not just in the proximity of St Mary's church. This is unsound and not positively prepared

NCC Planning Officer response: This representation quotes the reasons for refusal of planning application C/7/2011/7020 by Norfolk County Council's Planning (Regulatory) Committee in February 2013. Paragraph M25.9 sets out the main reasons for the appeal against the refusal of planning application C/7/2011/7020 at Manor Farm, Haddiscoe being dismissed by the Planning Inspectorate in July 2014. In addition to the application site not being allocated in the adopted development plan, the Planning Inspector concluded that "although the northerly parcel of land, containing by far the greater proportion of the mineral resource, creates very little visual harm during operations, the same cannot be said of the much smaller area to the south. Here there would be something approaching a moderate adverse change to the landscape quality for the 21-years duration and significant harm to the setting of the Grade I Listed St Mary's Church, Haddiscoe." As stated in paragraph M25.10 the current proposal for MIN 25 does not include any land to the south of the B1136.

In terms of noise, dust and traffic, the Planning Inspector stated that "without a more robust assessment of the likely impacts of noise, dust and traffic, they should count a moderate negative effect." Specific Site Allocation Policy MIN 25 requires "the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts; mitigation measures should include setting back the working area at least 100m from the nearest residential properties" at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction at the planning application stage.

Policy MIN 25 (f) also requires "the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway" at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane.

Respondent: **Mr Anthony Burton** [Person ID: 17822], **Haddiscoe Parochial Church Council** (Anthony Burton) [Person ID: 21975] and **Mrs Sheila Burton** [Person ID: 17937]

Representation [Rep ID: 99363, 99400 and 99394]: (Objection) M25 - 9 Objections

This is misleading !! It infers that the only reason Planning was refused and the appeal in 2014 was rejected was the part of the proposed development South of the B1136. This is not the case. In his proof of evidence in 2014 Mr Simon Smith (NCC Planning) quotes the original grounds for refusal, including " The landscape and visual impacts of the proposed development including the construction of artificial bunds and land raised areas would be detrimental to the overall appearance and rural character of the area " and " The

proposed development would adversely affect amenities of nearby Residents due to increased noise ,dust and traffic that would arise from the proposed quarry" which applies to the whole of the area and not just the proximity of Grade 1 listed St Marys Church. This is unsound and not positively prepared.

NCC Planning Officer response: Please refer to the response to representation 99382 (Haddiscoe Parish Council).

Respondent: **Stopit2** (Marcus Aldren) [Person ID: 21951]

Representation [Rep ID: 99503]: (Objection)

M25.9 is misleading in that it infers that the only reason Planning was refused and the appeal in 2014 was rejected, was the part of the proposed development south of the B1136. This is not the case. In his proof of evidence in 2014, Simon Smith (Planning NCC) quotes the original grounds for refusal, including "The landscape and visual impacts of the proposed development, including the construction of artificial bunds and land-raised areas would be detrimental to the appearance and rural character of the area" and "The proposed development would adversely affect the amenities of nearby residents due to increased noise, dust and traffic that would arise from the proposed quarry" which applies to the area as a whole, not just in the proximity of St Mary's church. This is unsound and not positively prepared

Suggested change: Drop Min 25 from the plan and refuse the Breedon planning application.

NCC Planning Officer response: Please refer to the response to representation 99382 (Haddiscoe Parish Council). The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Ms Tanya Fairlie** and **Mr Tim Haycock** [Person ID: 21915 and 17639]

Representation [Rep ID: 99091 and 99092]: (Objection)

M25.9 is misleading in that it infers that the only reason Planning was refused and the appeal in 2014 was rejected, was the part of the proposed development south of the B1136. This is not the case. In his proof of evidence in 2014, Simon Smith (Planning NCC) quotes the original grounds for refusal, including "The landscape and visual impacts of the proposed development, including the construction of artificial bunds and land-raised areas would be detrimental to the appearance and rural character of the area" and "The proposed development would adversely affect the amenities of nearby residents due to increased noise, dust and traffic that would arise from the proposed quarry" which applies to the area as a whole, not just in the proximity of St Mary's church. This is unsound and not positively prepared.

Suggested change: Remove this allocated site.

NCC Planning Officer response: Please refer to the response to representation 99382 (Haddiscoe Parish Council).

Respondent: **Mr Christopher Johnson** [Person ID: 21918]

Representation [Rep ID: 99105]: (Objection)

This the second time this gravel pit proposal has been submitted in 8 years. I moved here after the previous application was rejected I did not expect it to be re-submitted again in such a short time frame. I believe there should be at least 20 years between such a submission. I feel that there has not been a material change in the reasons given for the last application to be refused I feel that M25.9 is misleading. Mr Simon Smith (Planning NCC) states 'The landscape & visual impacts of the proposed pit development including the construction of artificial bunds & land-raised areas would be detrimental to the appearance & rural character of the area'.... and...'The proposed development would adversely affect the amenities of nearby residents due to increased noise. dust & traffic that would arise from the proposed quarry' this applies to the whole of the village of Haddiscoe & Thorpe-next-Haddiscoe not just the proximity to the church of St Mary. Therefore, I believe this to be unsound & not positively prepared.

Suggested change: The application should be rejected in full

NCC Planning Officer response: Please refer to the response to representation 99382 (Haddiscoe Parish Council). In terms of the timescale between the submission of planning applications for mineral extraction

on land at Manor Farm, Haddiscoe; Norfolk County Council cannot legally refuse to consider a valid planning application for mineral extraction. Anyone has the opportunity to submit a planning application, and even if an application is refused, another application can be submitted which seeks to address the reasons for refusal.

The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

Respondent: **Mr Nicholas Downing** [Person ID: 21920]

Representation [Rep ID: 99115]: (Objection)

M25.9 gives the reason planning was refused and the appeal in 2014 was rejected was due to the proposed development South of the B1136. However, this is incorrect. Evidence provided by Simon Smith (Planning NCC) in 2014 gives refusal including on the grounds of "The landscape and visual impact of the proposed development, including the construction of artificial bunds and land raised areas would be detrimental to the appearance and rural character of the area" and "the proposed development would adversely affect the amenities of nearby residents due to increased noise, dust and traffic that would arise from the proposed quarry" which applies to the area as a WHOLE not just to the proximity to St Mary's Church". I cannot see where anything has changed! The proposal landscaping, IF and when done, will still adversely affect the area. The proposal will have a detrimental effect on residents in the village with their health and mental wellbeing due to the increased noise and pollutants from the diggers and loaders dealing with the sifting/movements/shaking of the sand and stones etc along with the traffic and additional pollution from the 80 HGV movements each day and the loud reversing beepers. The village and residents have everything to LOSE and nothing to gain whatsoever from this proposal. All properties will inevitably be down valued considerably, and this will have a huge detrimental effect and impact on the residents and their families' stability, lives and future. This could potentially result in the village failing and negatively affecting the future of the village.

NCC Planning Officer response: Please refer to the response to representation 99382 (Haddiscoe Parish Council).

Policy MIN 25 (b) also requires "the submission of an acceptable Landscape and Visual Impact Assessment which will identify any potential impacts to the wider landscape and suggest appropriate mitigation measures; particularly regarding views from nearby properties, surrounding roads, and provide protection of the setting of nearby listed buildings".

Property values are not a material planning consideration.

Respondent: **Mrs Julie Catmore** [Person ID: 21692]

Representation [Rep ID: 99176]: (Objection)

The original grounds for refusal stated "The landscape and visual impacts of the proposed development including the construction of artificial bunds and land raised areas would be detrimental to the appearance and rural character of the area and "The proposed development would adversely affect the amenities of nearby residents due to increased noise and dust and traffic that would arise from the proposed quarry" which applies to the area as a whole, not just in the proximity of St Marys Church.

NCC Planning Officer response: Please refer to the response to representation 99382 (Haddiscoe Parish Council).

Policy MIN 25 (b) also requires "the submission of an acceptable Landscape and Visual Impact Assessment which will identify any potential impacts to the wider landscape and suggest appropriate mitigation measures; particularly regarding views from nearby properties, surrounding roads, and provide protection of the setting of nearby listed buildings".

Respondent: **Helen Gough** [Person ID: 17772]

Representation [Rep ID: 99210]: (Objection)

This particular paragraph interstates that the previous reason for refusal when it came to being refused was just the development south of the B1136 when this clearly is not the case. There were many factors including increased noise, dust and traffic which would arise and have a clearly detrimental effect on the whole of the area not just one particular location.

NCC Planning Officer response: Please refer to the response to representation 99382 (Haddiscoe Parish Council).

Respondent: **Mrs Eve Basford** [Person ID: 17842]

Representation [Rep ID: 99376]: (Objection)

original refusal said the previous proposed development would adversely affect the amenities of nearby residents due to increased noise, dust and traffic that would arise from the proposed quarry, not just the church.

Suggested change: should be refused again

NCC Planning Officer response: Paragraph M25.9 sets out the main reasons for the appeal against the refusal of planning application C/7/2011/7020 at Manor Farm, Haddiscoe being dismissed by the Planning Inspectorate in July 2014. In terms of noise, dust and traffic, the Planning Inspector stated that “without a more robust assessment of the likely impacts of noise, dust and traffic, they should count a moderate negative effect.”

Specific Site Allocation Policy MIN 25 (a) requires “the submission of acceptable noise and dust assessments and a programme of mitigation measures to deal appropriately with any amenity impacts; mitigation measures should include setting back the working area at least 100m from the nearest residential properties” at the planning application stage. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on local amenity and health (including air quality and dust). These assessments would be prepared in accordance with national Government guidance and considered by an Environmental Health Officer as part of the process to decide the suitability of the proposed extraction. Policy MIN 25 (f) also requires “the submission of an acceptable Transport Assessment or Statement (as appropriate) to assess the impacts of HGV traffic along the access route, and appropriate mitigation for any potential impacts to the highway” at the planning application stage; this assessment would be considered by the Highway Authority. A planning application would need to demonstrate that there would not be an unacceptable impact on the safety and capacity of the highway network. The proposed highway access is considered to be suitable by the Highway Authority, subject to appropriate road improvements along Crab Apple Lane.

The determination of the current planning application FUL/2022/0056 is a separate process to the examination of the NM&WLP.

One representation received objecting to paragraph M25.15 of the supporting text to Policy MIN 25:

Respondent: **Mr Lee Howell** [Person ID: 21914]

Representation [Rep ID: 99108]: (Objection)

There have been sightings of Bats in the Haddiscoe area which I believe are protected and this development could have an effect on any potential habitat, but I am no expert in these matters but needed bringing to Norfolk County Council attention.

NCC Planning Officer response: Norfolk County Council’s ‘National and Local Validation Requirements for Minerals and Waste Planning Applications’ (2023) requires a Biodiversity Survey and Report to be submitted with planning applications for mineral extraction operations on sites which would provide a habitat for wildlife, or where the application site is likely to be populated by a protected species. A planning application would need to demonstrate that there would not be an unacceptable adverse impact on the natural environment.

One representation received commenting on paragraph M25.18 of the supporting text to Policy MIN 25:

Respondent: **King's Lynn Drainage Board** (Eleanor Roberts) [Person ID: 21936]

Attachments: Internal Drainage Board supplementary information - <https://norfolk.oc2.uk/a/svkg>

Representation [Rep ID: 99195]: (Comment)

The sites allocated within the local plan listed below are not within any of the WMA member Boards' Internal Drainage Districts (IDD) however several sites are within a Board's Watershed Catchment (meaning water from the site will eventually enter the IDD). Maps are available on the Board's webpages showing the Internal Drainage District well as the wider watershed catchments. For any site with the potential to discharge water indirectly to a WMA Board catchment, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy. If a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible. We recommend that due consideration is given to ensuring that runoff from any allocated site is clear from silt and this is closely monitored to protect watercourses from pollution. MIN25 Internal Drainage District Watershed catchment is Waveney, Lower Yare and Lothingland IDB

NCC Planning Officer response: Noted. The detail of a drainage strategy and any surface water discharge would be a matter for the planning application stage, if relevant to this site. As the site is over 1 hectare in size a site-specific Flood Risk Assessment would be required at the planning application stage which would include existing and proposed surface water drainage arrangement.

Background documents

Habitats Regulations Assessment

One representation received commenting on this document:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99436]: (Comment)

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.

NCC Planning Officer response: Noted. An addendum to the HRA has been produced to correct the document in relation to the issues raised in this response.

Sustainability Appraisal Report

One representation received supporting the Sustainability Appraisal Report:

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99437]: (Support)

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).

NCC Planning Officer response: Support noted.

One representation received commenting on Appendix A of the Sustainability Appraisal Report:

Respondent: **Broads Authority** (Natalie Beal) [Person ID: 16282]

Representation [Rep ID: 99149]: (Comment)

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?

NCC Planning Officer response: Planning applications for unconventional hydrocarbon extraction within Norfolk would be for the County Planning Authority to determine. Licence blocks in Norfolk have been offered for tender for UK Petroleum Exploration and Development Licences (PEDL) by the relevant government department but no PEDL have been applied for in Norfolk. PEDL are required before any exploration for hydrocarbons can take place. AS there are no Petroleum Licence Areas in Norfolk (as of April 2023) there is no requirement in the NPPF for the NM&WLP to include a policy on hydrocarbon extraction. The British Geological Survey (BGS) has carried out extensive work to identify areas of feasible shale gas deposits in the UK <https://www.bgs.ac.uk/geology-projects/shale-gas/shale-gas-in-the-uk/> . Norfolk does not contain any of the four areas which have been identified as potentially viable for the commercial extraction of shale gas. Therefore, it is very unlikely that 'fracking' will take place in Norfolk.

Five representations received objecting to Appendix B of the Sustainability Appraisal Report:

Respondent: **Earsham Gravels Limited** [Person ID: 4031] Agent: **Stephen M Daw Limited** (Stephen Daw) [Person ID: 143]

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/svqx>

Restoration Plan - <https://norfolk.oc2.uk/a/svkz>

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/svzi>

Representation [Rep ID: 99081]: (Objection)

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)

Suggested change: 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.

NCC Planning Officer response: The Mineral Planning Authority maintains its view that there are more acceptable potential sand and gravel extraction sites to meet the forecast need over the Plan Period. The Publication version of the NM&WLP allocates sufficient sites to meet the forecast mineral need for the Plan Period. Therefore, there is no need to allocate this site.

While the site is described in the additional information as the expansion of an existing site, the previous mineral extraction site has been worked and restored some years ago, and MIN 212 should be considered as a new site albeit with the use of an existing processing plant located at Caistor St. Edmund. While the Highway Authority did not object to the location of the proposed mineral working, they do have significant concerns about the location of the plant site at Caistor St Edmund which necessitates the routing of HGVs through Trowse village for 11 years as the only way that raw material can reach the plant site and processed mineral leave. Since the closure of the previous mineral extraction site at Mundham, there has been significant development in Trowse, including a recent housing development constructed along part of the frontage of White Horse Lane and the construction of a new primary school to replace the original school. Therefore, while the school itself is no longer on White Horse Lane, traffic and pedestrians associated with school times would still be using this route; and there would be significantly more movements associated with residential use on the road. In conclusion it is considered that more appropriate site allocations have been proposed to meet the forecast mineral need in the Plan Period.

Respondent: **Bredon Trading Limited** (Shaun Denny) [Person ID: 21948]

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>

Representation [Rep ID: 99268]: (Objection) 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

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

NCC Planning Officer response: The further information within the representation and the additional information supporting it are noted; however, they do not provide sufficient justification that allocation of MIN 213 would be appropriate. The restoration concept seeks to draw parallels between the proposed restoration of MIN 213 and Buxton Heath SSSI which is part of the Norfolk Valley Fens SAC. However, the fundamental difference is that the restoration comprises open water which would cover approximately half of MIN 213 and Buxton Heath SSSI does not contain any significant areas of open water. The only areas of open water in the vicinity of MIN213 are the result of previous historic mineral workings and there has been shift away from sand and gravel workings in locations where restoration would result in open water in the Norfolk Minerals Plans since the mid 1990's. Therefore, a restoration scheme predicated around such a large proportion of open water is unlikely to be found acceptable, and the argument that this restoration

would produce a site of similar composition to Buxton Heath SSSI is not borne out by examination of the two. The Restoration Concept Plan also does not take into account that the redline boundary of the proposed site does not extend to the A140 along its whole length. Mansom Green, which is designated as a village green, borders the A140 along part of the eastern boundary of MIN213. Therefore, parts of the restoration plan are not deliverable, and it is likely that the area of open water would need to move westwards in the site to provide stand offs and suitable slopes, which would further increase the proportion of open water in the restoration. The open water would also be within the birdstrike consultation zone for Norwich International Airport which would raise an additional concern as to the deliverability of such a scheme.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99531]: (Objection)

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 Policies 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", "evidence-led", 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."

NCC Planning Officer response: Area of Search AOS E is not designated in the Publication version of the NM&WLP (2022).

Area of Search AOS E was not within the River Nar Core River valley designation.

Please refer to the response to representation 99527 (response to point 4) regarding the mineral resource safeguarding map and Shouldham Warren and Bilney Woods.

This representation incorrectly states that 'ancient' has been deleted from Policy MP2, this is not the case as policy MP2 still refers to 'ancient woodland'.

The site assessment for area of search AOS E in the adopted Revised Minerals Site Specific Allocations DPD (2017) contains reference in paragraph E.7 to the public access in Shouldham Warren, and that any future planning application would need to assess this. The respondent's letter to Tom McCabe (then Executive Director CES and Head of Paid Service N.C.C.) in May 2020, principally related to copies of 14 DMMO applications which had been submitted by Dr Ormerod to the Mineral and Waste Policy Team. A response detailing the actions taken was sent to Dr Ormerod dated 10 June 2020. Dr Ormerod contacted Tom McCabe again in a letter dated 13 August 2020 about a number of issues regarding the recreational uses in Shouldham Warren and recognition of Public Rights of Way including those unregistered or under-registered

ones related to draft DMMO applications submitted by the respondent. This letter received a detailed response dated 4 September 2020. The response letter stated that, in relation to those unregistered or under-registered PROWs subject to draft DMMO applications, as many such applications are opposed and may not be confirmed, and as such until a DMMO application has been confirmed and the Definitive Map updated little weight can be given to such applications.

The Surveying Authority and the Mineral Planning Authority are different Statutory Authorities within Norfolk County Council, with differing responsibilities. The letter sent to the respondent on the 4 September 2020 also corrected their misassumption regarding the time to determine DMMO applications, the Legal Orders and Registers Team have indicated that these are being decided within 3-4 years, rather than 20 years.

The Statement of Community Involvement is adopted and is not a document which is subject to Examination in Public as part of this plan-making process. When the SCI is reviewed in the future the issues raised will be considered. The Publication version of the NM&WLP is considered to be sound and legally compliant for the issues raised in this representation.

Respondent: **Middleton Aggregates Ltd** [Person ID: 1861] Agent: **Stephen M Daw Limited** (Stephen Daw) [Person ID: 143]

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/svji>

Representation 93241 from Preferred Options stage 2019 - <https://norfolk.oc2.uk/a/svjg>

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>

Representation [Rep ID: 99079]: (Objection)

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

Suggested change: 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.

NCC Planning Officer response: Planning permission was granted for mineral extraction at site MIN 19 in May 2022. It is considered that the restoration of MIN 205 would not provide sufficient enhancements to justify the allocation of the site within the Core River Valley designation. The Restoration Plan (June 2017) submitted with this representation shows a proposed restoration of areas of open water and separated by reedbeds and wet carr, this does not represent a step change in the restoration of such workings which

occurred historically; and the Core River Valley designation and policy were specifically written to reduce the areas of open water which were created by mineral workings in the valley floors in the past. Previous representations have mentioned potential works to the River Nar, but no details have been provided as part of the NM&WLP process which could then have been subject to consultation. The process of determining suitable sites for allocation within the NM&WLP is different from determining whether a planning application is acceptable; one difference is that the application process is assessing the proposed development on its own merits, instead of comparing it to all the alternative proposed sites in the NM&WLP process. A planning application has been submitted for extraction of 550,000 tonnes of sand and gravel at MIN 205 and land to the north of MIN 205 in April 2023 which is in the process of being determined in June 2023.

It would not be appropriate to allocate land immediately to the north of MIN 205 as this representation is the first occasion that it has been proposed and site assessment of this area of land has not been carried out and no information regarding proposed working, restoration, or geological information has been provided as part of the NM&WLP process.

The forecast need in the Publication version of the NM&WLP has been calculated using the 10-year sales average (2011-2020) with an additional 10% for flexibility. This is considered to be sufficient, for the reasons set out in paragraphs MP1.2 to MP1.9 of the NM&WLP. The NM&WLP allocates sites for sand and gravel with an estimated mineral resource of 15.4 million tonnes (Mt) available during the Plan period to 2038, and a total resource of 18.165 Mt. 5.845 Mt of the 15.4 Mt resource were granted planning permission in 2021. Therefore, site MIN 205 is not required to meet the forecast need.

Respondent: **The Lyndon Pallett Group Ltd** [Person ID: 21973] Agent: **PDE Consulting Limited** (George Massingham) [Person ID: 21972]

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>

Representation [Rep ID: 99482]: (Objection)

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.

NCC Planning Officer response: It is considered appropriate to maintain the decision to not allocate MIN 204. The allocation process seeks to provide suitable sites for planning applications for mineral extraction to come forward over the period of the Plan. MIN 204 is the only proposed site within the Stone Curlew protection area of the Breckland SPA, no other potential allocations are within a SPA/SAC or Ramsar site, or within the protection area for such a site. The Conservation of Habitats and Species Regulations 2017 (as amended) are clear that the precautionary principle is fundamental to the protection of these designated sites. A plan can only be approved where it has been determined that it will not adversely affect the integrity of a European site. In circumstances where there is uncertainty it must be objectively demonstrated, through an appropriate assessment, that there would be no adverse effect on the integrity of the designated site. It is this uncertainty which the conclusion of the site assessment in the Preferred Options refers to in its reasons for non-allocation.

An ecological statement has been submitted to support the representation which includes the results of two site surveys that have been carried out in 2022. However, while these are described as 'walkover' surveys it would appear from paragraph 3.2 of the Ecological Report that these were carried out by the use of binoculars to look for Stone Curlew and their nesting sites. Considering that both Stone Curlews and their nests are well known for their high degree of concealability and that Stone Curlew are generally active only nocturnally, there would seem to be scope for birds and nests to have been missed using binoculars to search for them at distance.

Notwithstanding this, the site allocation process differs from the planning application process in that the determination of a planning application considers only the proposed development on a case-by-case basis, whereas for site allocations all the prospective sites are considered comparatively against each other. MIN

69 is mentioned in the representation as a site proposed to be allocated in a protected area (in this case an AONB) in an attempt to show a perceived inconsistency in the approach to site assessment. However, the NPPF policy that mineral landbanks should be located outside an AONB as far as practical (para 211) and major development within the AONB should be refused other than in exceptional circumstances (para 177) is not the same as the legal test in the Conservation of Habitats and Species Regulations (2017) that a plan or a development must be ascertained to not have an adverse effect on the integrity of a European site (unless there are no alternative solutions and imperative reasons of overriding public interest) before it can be a plan can adopted or a development permitted. MIN 40 has also been mentioned in the representation; MIN 40 is allocated in the existing Minerals Site Specific Allocations DPD and planning permission was granted for silica sand extraction at this site by the Planning Inspectorate in June 2023. Whilst MIN 40 is within 1km of a SSSI it is over 3km (and outside the Impact Risk Zone) of the nearest SAC.

The representation also makes reference to mineral need in South Norfolk specifically, however: the Minerals and Waste Local Plan does not split mineral need at a sub-county level, and the Mineral Planning Authority does not apply catchment boundaries to mineral permissions.

Please refer to the response to representation 99481 regarding the comments made about a lack of sand and gravel in the middle of the plan period.

The representation raises concerns about cumulative impacts from the existing and allocated sites at Beetley within the NM&WLP. The Sustainability Appraisal of the NM&WLP has included an assessment of cumulative effects. A planning application (FUL/2022/0021) has been submitted for site MIN 51/13/08 at Beetley which also contains an assessment of potential cumulative impacts as part of the Environmental Statement. The additional traffic movements were concluded to be low and therefore to have a negligible impact on highway performance and road safety. The ES concluded that the implementation of mitigation measures will ensure that dust impacts are negligible and noise emissions will be in accordance with proposed site noise limits. The Environmental Health Officer recommended approval of the application subject to noise and dust conditions.

The representation mentions the benefits of extensions to existing mineral extraction sites compared to new sites, but the NPPF and the Planning Practice Guidance do not contain any presumption in favour of extensions to existing sites over new sites and the PPG states that the suitability of each proposed site must be considered on its individual merits. It should also be noted that quarry plant and infrastructure are normally subject to temporary planning permissions with restoration requirements linked to the cessation of extraction at the mineral working they are serving.

Seven representations received commenting on Appendix B of the Sustainability Appraisal Report:

Respondent: **Mr Richard Warner** [Person ID: 17479]

Representation [Rep ID: 99145]: (Comment)

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 repurposing 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.

NCC Planning Officer response: The site that was proposed by Brett Group for mineral extraction at Waveney Forest, Fritton (MIN 38) is not allocated in the Publication version of the NM&WLP.

Respondent: **Mrs Caroline Steels** [Person ID: 17961]

Representation [Rep ID: 99414]: (Comment)

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](#).

NCC Planning Officer response: The site that was proposed by Brett Group for mineral extraction at Waveney Forest, Fritton (MIN 38) is not allocated in the Publication version of the NM&WLP.

Respondent: **Natural England** (Emma Hurrell) [Person ID: 21912]

Representation [Rep ID: 99435]: (Comment)

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.

NCC Planning Officer response: Noted.

Respondent: **Mr Rowland Dunn** [Person ID: 4362]

Representation [Rep ID: 99146]: (Comment)

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.

NCC Planning Officer response: The site that was proposed by Brett Group for mineral extraction at Waveney Forest, Fritton (MIN 38) is not allocated in the Publication version of the NM&WLP.

Respondent: **Mr I McIntyre** [Person ID: 7821]

Representation [Rep ID: 99150]: (Comment)

[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.

NCC Planning Officer response: The site that was proposed by Brett Group for mineral extraction at Waveney Forest, Fritton (MIN 38) is not allocated in the Publication version of the NM&WLP.

Respondent: **Mr Alton Matherne** [Person ID: 17685]

Representation [Rep ID: 99156]: (Comment)

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

NCC Planning Officer response: The site that was proposed by Brett Group for mineral extraction at Waveney Forest, Fritton (MIN 38) is not allocated in the Publication version of the NM&WLP.

Respondent: **Historic England** (Debbie Mack) [Person ID: 17619]

Representation [Rep ID: 99516]: (Comment)

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.

NCC Planning Officer response: The scoring system for the Sustainability Appraisal was based on the distance of the nearest designated heritage assets to the site boundary. Therefore, all sites with a designated heritage asset within 250m distance of the site were scored '- -'.

Site MIN 207 (Briston) and site MIN 65 (Stanninghall) have both been granted planning permission for mineral extraction which has been implemented, with the issue of harm to heritage assets having been assessed and considered as part of the determination of the applications.

An HIA is being produced for sites MIN 96 and MIN 25 to support the submission of the Minerals and Waste Local Plan.

The planning application for MIN 40 (C/2/2018/2016) was subject to appeal for non-determination and permission was granted by the Planning Inspectorate on 7 June 2023. The application proposed a restoration scheme which addressed the concerns of Historic England such that they are no longer objecting to the proposed development.

No representations received about the Sustainability Appraisal Part A – Scoping Report.

No representations received about the Sustainability Appraisal Appendices C or D.

Statement of Consultation

Four representations received objecting to this document:

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99514]: (Objection)

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 MHA have been deliberately suppressed.

Suggested change: 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 eplanning 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.

NCC Planning Officer response: The SCI was adopted in October 2022 and will be due for revision within 5 years of adoption; comments suggesting changes to the content of the SCI will be considered at that time.

All representations submitted during the two consultation periods have been published on the County Council's Local Plan website. The representations received in response to the Preferred Options Consultation period were published online in February 2020. The Statement of Consultation was published at the Regulation 19 stage in 2022. This representation raised concerns about the abbreviated format of the summarised responses in the Statement of Consultation 2022. The Statement of Consultation is written to meet the requirements of Regulation 22 within part 5 (Local Plans) of the Town and Country Planning (Local Planning) (England) Regulations 2012 which states that the document should include "a summary of the main issues raised by the representations made pursuant to regulation 18" (the public consultation stages) and how those representations have been taken into account. Therefore, the summaries provided in the Statement of Consultation are appropriate to meet this legal requirement and the representations have not been misrepresented or disregarded and information has not been suppressed. This representation quotes section 2.1.5.4 of the Statement of Community Involvement which is regarding how comments made about planning applications will be taken into account in the determination of planning applications and does not apply to the Local Plan process.

In addition, clarification is required related to the history of the plan making processes that have taken place. The responded has commented about a 13-year plan making process, and appears to have considered that it is a single entity. However, the three Development Plan Documents that make up the current adopted Minerals and Waste Local Plan (the Core Strategy and Development Management Policies, the Minerals Site Specific Allocations and the Waste Site Specific Allocations) were adopted in 2011 and 2013 and that plan-making process was completed. As the Inspector in his report on the Minerals Site Specific Allocations DPD noted that there were insufficient suitable sites put forward for silica sand extraction, he made a recommendation for a Single Issue Review of Silica Sand to be carried out. This work was started in 2015 and related only to that part of the adopted Plan for silica sand extraction. The Single Issue Silica Sand Review was examined and subsequently found sound and legally compliant in 2017. On adoption in 2017, this updated the Minerals Site Specific Allocations DPD by allocating an additional specific site allocation for silica sand extraction proposed by the mineral operator; and allocated areas of search designated following sieve mapping of the silica sand mineral resource. On adoption in 2017, the Silica Sand Single Issue Review was completed.

Statutory regulation requires Planning Authorities to commence the review the whole of their Local Plans five years after adoption. Therefore, this review process started in 2017 to produce a new Minerals and Waste Local Plan to replace the three existing adopted DPDs which is the current plan-making process that will now be subject to examination (including whether the requirements for consultation have been met) and adoption if found sound and legally compliant.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99528]: (Objection)

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 onto 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 MPA 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-based 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 MPA 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."

NCC Planning Officer response: The respondent has sought to provide a large number of examples where they consider that the Planning Officer's responses within the Statement of Consultation report has been inaccurate or sought to avoid public accountability. The respondent is in error in his assumption that the purpose of the Statement of Consultation is to provide a highly detailed response to every point raised. One of the purposes of the Statement of Consultation (as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012) is to provide a summary of the main issues raised in the representations received at the Regulation 18 stages and to set out how these representations have been taken into account. Therefore, the Planning Officer's response can be whether these issues are considered material to the plan and how the plan seeks to address them, or where an alternative approach has been taken that the Planning Officer considers is equally capable of being sound and legally compliant, or in the case of responses where the points raised are not material planning considerations (such as the effect on property values) to indicate this.

In some of the examples there are factually inaccuracies in the respondent's comments, such as the respondent's assertion that the Local Plan will mean that future mineral planning applications for silica sand extraction are decided by what they describe as "district planning procedures" and without public consultation. This is repeated a number of times throughout the response as a method of suggesting a lack of public accountability. This is clearly wrong as a matter of fact; mineral planning applications are determined by the Mineral Planning Authority, who in Norfolk is Norfolk County Council, and a public consultation period forms part of the determination process for all planning applications.

It is considered that the Planning Officer's responses in the Statement of Consultation address the main issues raised by the consultees, and that the plan-making process has followed the Statement of Community Involvement, and national legislation, policy and guidance in this regard.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99529]: (Objection)

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.

Suggested change:

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 AOS, 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."

NCC Planning Officer response: The suggested changes points 7 to 15 all relate to the NCC Statement of Community Involvement (SCI) which was adopted in October 2022. The suggested changes will be considered when the SCI is next reviewed, within five years of adoption.

The respondent has potentially conflated the Single Issue Silica Sand Review (which was adopted in 2017) with the current NM&WLP process, but both processes considered areas of search for silica sand extraction in the area of Shouldham Warren.

While the respondent states that all comments relate to the Single Issue Silica Sand selection process, the NPPF (2012) references 9, 16, 39 and 42 (now amended with the 2023 version) relate exclusively to pre-application engagement on planning applications, not the Local Plan process.

The respondent is incorrect in their interpretation of Policy MW1 (j) in the NM&WLP in relation to Public Open Space, Local Green Spaces, the definitive Public Rights of Way Network and outdoor recreation facilities. Policy MW1 states that minerals and waste development would be acceptable where proposals can demonstrate that development would not have an unacceptable impact on those spaces, PROWs and facilities.

The representation refers to the existing Minerals and Waste Core Strategy and Development Management Policies DPD and the Minerals Site Specific Allocations DPD which will be replaced by the NM&WLP when it is adopted.

The Minerals and Waste Local Plan consultation stages provided opportunities for all interested parties to respond as set out in the Statement of Consultation.

Respondent: **Dr L David Ormerod** [Person ID: 21890]

Representation [Rep ID: 99530]: (Objection)

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 nonsafeguarded 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?

NCC Planning Officer response: The respondent calls into question various aspects of the consultation process for the NM&WLP. However, a number of the examples quoted in the representation relate to previous plan-making including the process for the now adopted Single Issue Review of Silica Sand.

Some examples quoted also contain errors of fact in relation to some parts of the development of the adopted plan, e.g. "SIL 01 was also dropped..." when SIL 01 is in fact an adopted Site Specific Allocation which has now also received the grant of planning permission.

While the respondent raises a number of issues with the validity of the public consultations in the development of the current draft NM&WLP; it remains the view of the Mineral Planning Authority that these have all been carried out in accordance with the adopted Statement of Community Involvement, relevant national legislation and regulations, and established planning policy and guidance. The 5,684 representations received at the Preferred Options stage were all published on the local plan consultation webpages within 6 months of the consultation ending, they are organised on the website by the part of the plan (policy or paragraph number that they relate to). 1,220 of the representations received objecting to SIL 02 at the Preferred Options stage were identical. Whilst it is possible to search for representations submitted by organisations, we have been advised that due to data protection legislation it is not possible to search for representations by an individual's name on the website. It was also not practical to list the names of over 3,400 individual respondents within the Statement of Consultation. The Statement of Consultation contains the main issues raised in all these representations and how the issues have been taken into account. Within the Statement of Consultation, the main issues are presented in the order of the section of the NM&WLP that they relate to. Where many responses raised the same issues, it is appropriate to address these in a single response within the Statement of Consultation.

The respondent makes a number of comments regarding the updating of the Definitive Map, and sections 7.4-7.7 of the Rights of Way Circular (01/09) in relation to public involvement. The Mineral Planning Authority's view is that the updating of the Definitive Map is a matter for the relevant part of Norfolk County Council (the Legal Orders and Registers Team), and that s7.4-s7.7 relate to planning applications.

Notwithstanding the above, a key point is that the majority of consultation responses relating to AOS E (containing Shouldham Warren) and SIL 02 raised a range of issues why they should not be designated as an Area of Search or Preferred Area in the Plan; and the Publication version of the NM&WLP does not designate AOS E or SIL 02.

Finally, the respondent quotes an extract from the Single-Issue Silica Sand Review Feedback report (August 2016). This relates to the Single-Issue Silica Sand Review process of the Minerals Site Specific Allocations DPD which was concluded in 2017, following an examination in public by the Planning Inspectorate, which resulted in the document being found sound and legally compliant and adopted by Norfolk County Council. The objection to this previous plan-making process being referred to was by the South Downs National Park Authority who have not objected to the Publication version of the NM&WLP.

Policies Map

No representations received about this document.

Equality Impact Assessment

No representations received about this document.

Statement of Common Ground

No representations received about this document.

Silica Sand Topic Paper

No representations received about this document.

Waste Management Capacity Assessment

Two representations received commenting on this document:

Respondent: **Derbyshire County Council** (Ian Goldstraw) [Person ID: 21938]

Representation [Rep ID: 99198]: (Comment)

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.

NCC Planning Officer response: Noted.

Respondent: **Central Bedfordshire, Bedford Borough and Luton Borough Council Shared Service** (Natalie Chillcott) [Person ID: 16218]

Representation [Rep ID: 99206]: (Comment)

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.

NCC Planning Officer response: Noted. As at March 2023, the contract that Norfolk County Council (as the Waste Disposal Authority) has to send waste to the Rookery South Energy Recovery Centre runs until 31 March 2027 with a possible contract extension of up to a further two years.