

Proposed Main Modifications to the Norfolk Minerals and Waste Local Plan

This document sets out a list of potential main modifications to the Publication version of the Norfolk Minerals and Waste Local Plan which the Council are proposed for consideration throughout the examination. These main modifications are based on a review of suggested modifications put forward in representations at the Regulation 19 stage. A summary of these representations and the Council’s responses are set out in the Regulation 19 Statement of Consultation and full details are available in the Regulation 19 Representations Feedback Report.

During the Examination of the Norfolk Minerals and Waste Local Plan, the Council will request the appointed Inspector to consider the following amendments as proposed main modifications. Main modifications are those which materially affect the policies. The Council has suggested most of the following modifications in order to address concerns raised by those who made representations on the Plan, however, it will ultimately be at the Inspector’s discretion whether these suggested modifications are necessary and appropriately worded.

Additional text is shown as **bold and underlined**.

Modification ref. no.	Policy	Proposed modification	Reason
MM1	Policy MW1. Development Management Criteria	Amend policy point (h) to include intrinsically dark landscapes as follows: ‘The appearance, quality and character of the landscape, countryside and visual environment, <u>including intrinsically dark landscapes</u> , and any local features that contribute to its local distinctiveness’.	To include ‘intrinsically dark landscapes’ as requested by the Broads Authority in representation 99138
MM2	Policy MW1. Development Management Criteria	Add new text at the end of the existing paragraph on the historic environment policy requirements in the NPPF as follows: <u>“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.”</u>	To provide additional policy detail on below ground archaeology as requested by Historic England in representation 99224

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MM3	Policy MW1. Development Management Criteria	Amend the second bullet point to state: “ <u>providing geodiversity gains, providing a minimum measurable 10% biodiversity net gain and contributing to the delivery of the national Nature Recovery Network objectives</u> ”.	To include a requirement for providing a minimum measurable biodiversity net gain and refer to Nature Recovery Networks as requested by Natural England in their representation 99425.
MM4	Policy MW4. The Brecks Protected Habitats and Species	<p>In the first paragraph replace the word ‘classified’ with ‘<u>designated</u>’.</p> <p>Add ‘<u>amongst other features</u>’ after the existing text of ‘designated for its heathland habitats’.</p> <p>In the second paragraph replace the word ‘would’ with ‘<u>may</u>’.</p> <p>Delete the following text from the third 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.”</p> <p>In the fourth paragraph delete the following text: “or located less than 1,500m away from the SPA boundary or identified areas that have a functional link (see map 2)”.</p> <p>In the fifth paragraph delete the following text: “identified areas that have a functional link, including those precautionary areas where there is currently a lack of data (see Map 2)” and replace with the following new text “(see Map 2) or areas considered functionally linked” so that the revised paragraph will be as follows: “Where a proposed building is outside the SPA but within 1,500m of the SPA boundary (<u>see Map 2</u>) or <u>areas considered functionally linked</u>, there may be circumstances where a project level Habitats Regulations Assessment is able to</p>	Reason: As advised by Natural England in representation 99422 and further correspondence regarding their revised guidance.

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		<p>demonstrate that the proposal will not adversely affect the integrity of the SPA.”</p> <p>Delete the following text from the first bullet point: “(these are those parts of the SPA that are also designated as Breckland Farmland SSSI)”. Add the following new text to the end of the first bullet point “however, these proposals will still need to assess direct and indirect impacts to stone curlew as a protected species under the Wildlife and Countryside Act 1981”.</p> <p>Delete the second bullet point “A new building that will be completely masked from the SPA by existing built development”.</p>	
MM5	Policy WP2. Spatial Strategy for Waste Management Facilities	Amend third bullet point to read: “ancient woodland <u>or other irreplaceable habitat</u> , or”	To include all irreplaceable habitats, not just ancient woodland.
MM6	Policy WP2. Spatial Strategy for Waste Management Facilities	Amend 4th bullet point to read: “a designated heritage asset, including listed buildings, registered parks and gardens, <u>conservation areas</u> and scheduled monuments, or their settings if the proposed development would cause substantial harm to <u>the significance of</u> the heritage asset <u>(including any contribution to significance by setting)</u> .”	Clarification requested by Historic England in representation 99226 for consistency with NPPF.
MM7	Policy WP3. Land suitable for waste management facilities	Amend the first sentence to insert: <u>‘for non-hazardous waste’</u> after ‘waste management facilities’.	Reason: For clarity that the policy only applies to non-hazardous waste management facilities and to avoid duplication with Policy WP6.
MM8	Policy WP3. Land suitable for waste management facilities	Amend criteria g) to delete (composting and anaerobic digestion facilities only) and replace with <u>“(to principally manage wastes arising from the WRC process only)”</u>	To provide greater flexibility regarding waste management development at water recycling centres as requested by Anglian Water in representation 99274.

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MM9	Policy WP7. Household Waste Recycling Centres	Replace “may” with “ will ” in the first sentence.	For consistency with Policy WP3 and paragraph W75
MM10	Policy WP13. Landfill mining and reclamation	Add a new forth bullet point to state: “ <u>the proposals demonstrate that there will be improvements to biodiversity, landscape, the historic environment and/or amenity on restoration, when compared to the baseline prior to landfill</u> ”.	For consistency with the requirements of Policy WP12 regarding site restoration.
MM11	Policy WP14. Water Recycling Centres	Insert “ <u>and/or d. comply with new legislation and/or e. incorporate climate change adaption and mitigation measures (as detailed in Policy MW3)</u> ”.	Proposed by Anglian Water in representations 99277 and 99281.
MM12	Policy WP14. Water Recycling Centres	Insert the following new text before the last sentence in the policy: “ <u>Where appropriate, applications will also need to demonstrate the contribution that the development would make to water quality improvement</u> ”.	Environmental protection
MM13	Policy MP2. Spatial Strategy for Minerals Extraction	Amend third bullet point to read: “ancient woodland <u>or other irreplaceable habitat</u> , or”	To include all irreplaceable habitats, not just ancient woodland.
MM14	Policy MP2. Spatial Strategy for Minerals Extraction	Amend 4th bullet point to read: “a designated heritage asset, including listed buildings, registered parks and gardens, <u>conservation areas</u> and scheduled monuments, or their settings if the proposed development would cause substantial harm to the <u>significance</u> of the heritage asset <u>(including any contribution to significance by setting)</u> .”	Clarification requested by Historic England in representation 99233 for consistency with NPPF.
MM15	Policy MPSS1. Silica Sand Extraction Sites	Amend requirement (i) to state “A sufficient stand-off distance around any water main <u>or foul sewer</u> that crosses the site or diversion of the water main/ <u>sewer</u> at the developer's cost and to the satisfaction of Anglian Water”	To include sewers as well as water mains as suggested by Anglian Water in representation 99283.

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MM16	Policy MP7. Progressive Working, Restoration and Afteruse	Amend the text in the second bullet point to state: “contributes positively to identified strategic green infrastructure corridors, known ecological networks, <u>the Local Nature Recovery Strategy and the Nature Recovery Network.</u> ”	For consistency with the Environment Act 2021 as requested by Natural England in their representation 99421
MM17	Policy MP7. Progressive Working, Restoration and Afteruse	Add a new bullet point to the end of the policy to state: <u>“there will be no increase in flood risk from the pre-development scenarios and opportunities for betterment are sought.”</u>	As requested by the Lead Local Flood Authority in their representation 99158.
MM18	Policy MP8. Aftercare	Amend the third sentence to include additional text as follows: “Planning conditions and/or longer-term planning obligations will be used to ensure that a detailed annual management report is provided <u>for the duration of the aftercare period, where required.</u> ”	Clarity
MM19	Policy MIN 51/ MIN13/ MIN 08. Land West of Bilney Road, Beetley	Amend existing requirement (g) to state: “The submission of an acceptable progressive restoration scheme to provide wide field margins, new hedgerows, additional woodland, <u>and wet woodland around retained wetland areas</u> to provide landscape and biodiversity net gains”. Add new requirement (i) to state: <u>“the site must be worked dry (above the water table)”</u> .	As requested by Norfolk Wildlife Trust in representation 99343 for consistency with site allocation supporting text.
MM20	Policy MIN 12. Land North of Chapel Lane, Beetley	Add a new requirement (i) to state: <u>“the site must be worked dry (above the water table)”</u>	As requested by Norfolk Wildlife Trust in representation 99342 for consistency with the site allocation supporting text.
MM21	Policy MIN 96. Land at Grange Farm, Spixworth	Add a new sentence to the end of existing requirement (a) to state: <u>“Mitigation measures should include screen planting and/or bunding as appropriate, particularly along the north-western and south-eastern site boundaries.”</u>	To clarify the mitigation measures that would be required to protect the setting of nearby listed buildings, as requested by Historic England (representation 99247).