



Norfolk County Council

Norfolk Minerals and Waste Local Plan

Feedback Report on the representations received about the Proposed Main Modifications

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Acronyms

AMP - Asset Management Plan
BNG – Biodiversity net gain
HGV - Heavy Goods Vehicle
HIA – Heritage Impact Assessment
HRA – Habitats Regulations Assessment
IAQM – Institute of Air Quality Management
IDB – internal drainage board
IDD – Internal Drainage District
LAA – Local Aggregate Assessment
LLFA – Lead Local Flood Authority
LSE – Likely Significant Effect
MM – Main Modifications
MWPA - minerals and waste planning authority
NCC – Norfolk County Council
NM&WLP – Norfolk Minerals and Waste Local Plan#
NPPF – National Planning Policy Framework
NWT - Norfolk Wildlife Trust
PM10 – particulate matter where particles are less than 10 micrometres in diameter
PM2.5 – particulate matter where particles are less than 2.5 micrometres in diameter
PPG - Planning Practice Guidance
SAC – Special Area of Conservation
SoCG – Statement of Common Ground
SRN – strategic road network
WMA – Water Management Alliance
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.

As part of the examination of the NM&WLP, proposed Main Modifications were published for representations to be made on their soundness (as defined in paragraph 36 of the National Planning Policy Framework) and legal compliance. The representations period ran from 17 October 2024 to 13 December 2024. This document contains all the representations received about the proposed Main Modifications, along with Norfolk County Council's Planning Officer response to each representation.

There were 19 respondents to the proposed Main Modifications. No representations were received from individuals. Responses were received about the Main Modifications from the following 19 organisations:

Anglian Water, Breedon Trading Ltd, Earsham Gravels Ltd, East Suffolk Council, Environment Agency, Folkes Plant and Aggregates Ltd, Haddiscoe Parish Council, Historic England, McLeod Aggregates Ltd, Mineral Products Association, National Highways, Natural England, Norfolk County Council as Lead Local Flood Authority, Norfolk Wildlife Trust, Norwich City Council, Sibelco UK Ltd, South Wootton Parish Council, Surrey County Council, Water Management Alliance.

The 19 respondents made 101 representations about the proposed Main Modifications. 16 of those representations are in support, 36 of those representations are objections and 49 of those representations are comments. 10 of the respondents raised objections to at least one proposed Main Modification.

The representations are also available to view online at: <https://norfolk.oc2.uk/document/67>

One respondent (the Environment Agency) submitted a representation commenting on the Addendum to the Habitats Regulations Assessment – Test of Likely Significant Effects (2024).

No representations were received about the following documents:

- Addendum to the Sustainability Appraisal Report (2024)
- Waste management capacity and forecast waste arisings update (2024)
- Update on the sand and gravel, Carstone and silica sand provision within the NM&WLP
- Heritage Impact Assessment Addendum for site MIN 25 – Land at Manor Farm, Haddiscoe

The representations are listed in this feedback report in order of the Main Modification reference number, which is in the order that the Main Modifications would appear within the submitted Norfolk Minerals and Waste Local Plan.

Representations received – listed in Main Modification (MM) number order

Modification reference: **whole schedule of proposed Modifications**

Respondent: **National Highways** (Philip Porter, Assistant Spatial Planner) [21995]

Representation received: Comment Rep ID: 99632

Summary: Thank you for consulting National Highways on the abovementioned Local Plan proposed modifications. National Highways is a 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 has been noted that once adopted, the modifications to the Minerals and Waste Local Plan will become a material consideration in the determination of planning applications. Where relevant, National Highways will be a statutory consultee on future planning applications within the area and will assess the impact on the SRN of a planning application accordingly.

Notwithstanding the above comments, we have reviewed the document and note that the details set out within the document are unlikely to have an severe impact on the operation of the trunk road and we offer No Comment.

NCC Planning Officer comments: Noted

Modification reference: **whole schedule of proposed Modifications**

Respondent: **Surrey County Council** (Dustin Lees, Minerals and Waste Policy Team Leader) [21999]

Representation received: Comment Rep ID: 99633

Summary: Thank you for consulting Surrey County Council as the Minerals and Waste Planning Authority (MWPA) regarding the proposed main modifications of the Norfolk Minerals and Waste Local Plan (NM&WLP). The MWPA have no comments to make.

NCC Planning Officer comments: Noted

Modification reference: **whole schedule of proposed Modifications**

Respondent: **Anglian Water** (Tessa Saunders, Spatial and Strategic Planning Manager – Sustainable Growth) [21901]

Representation received: Comment Rep ID: 99634

Summary: 1. Anglian Water and Minerals and Waste Plans

1.1. Anglian Water is the statutory water and sewerage undertaker for the majority of Norfolk and 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 protect the environment and water resources. As a purpose-led company, we are committed to seeking positive environmental and social outcomes for our region.

Anglian Water has engaged with Norfolk County Council throughout the preparation of the Norfolk and Minerals Waste Plan, as documented in the Statement of Common Ground (SoCG) [A19] and our hearing statement for the examination [F28].

3. Fens Reservoir – Nationally Significant Infrastructure Project

3.1 As the Council will be aware, Anglian Water and Cambridge Water are progressing the Fens Reservoir through the RAPID gated process, recognising the need to plan long term for our region's future water needs. Fens Reservoir is a 55 million cubic metres (MCM) raw water reservoir, with a useable volume of 50 MCM, located to the north of Chatteris, with a useable volume of 50 MCM.

3.2 Anglian Water recently undertook a second stage non-statutory consultation on the Fens Reservoir. As the host authority for some of the associated infrastructure to bring water into the Anglian Water

network – with a pipeline around Downham Market and service reservoir at Bexwell – Norfolk County Council has indicated in their submission the Minerals and Waste implications. These include safeguarded mineral resources within the pipeline corridor and service reservoir polygon.

3.3 Anglian Water acknowledges that further investigation and assessment will be required through the DCO process to determine whether the construction of the associated infrastructure will result in the extraction of silica sand and carstone suitable for commercial use or reuse in the Project.

3.4 Following review of the main modifications, we do not consider that they present any additional constraints to the delivery of the Project that will help support sustainable growth in the region.

4. Conclusion

4.1 Anglian Water welcomes the opportunity to comment on the main modifications, which we generally support, given our engagement with the Council throughout the plan-making process.

NCC Planning Officer comments: Noted

Modification reference: **whole schedule of proposed Modifications**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment

Rep ID: 99635

Summary: Thank you for consulting Historic England about the Proposed Modifications to the Norfolk Minerals and Waste Local Plan. We have the following comments to make on the suggested changes to the Plan:-

We welcome many of the Proposed Modifications. Our detailed comments on the proposed Main Modifications and Additional Modifications to the Plan are set out in Appendix A.

There is just one minor issue that we raise in relation addition of the words ‘where appropriate’ in Policy MP5 Core River Valleys. See Appendix A for details. We recommend these words are deleted.

We continue to have concerns regarding the allocation at Haddiscoe but welcome the additional policy wording in relation to site restoration.

Finally, we should like to stress that this opinion 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 where we consider that these would have an adverse effect upon the historic environment.

NCC Planning Officer comments: Noted. Please refer to our response to representation 99574 regarding Policy MP5 Core River Valleys. The comments made on the proposed modification to the policy wording for site restoration at Haddiscoe are noted and recorded as representation 99579.

Modification reference: **whole schedule of proposed Modifications**

Respondent: **Norwich City Council** (Mrs Joy Brown, Senior Planner) [99640]

Representation received: Comment

Rep ID: 99568

Summary: Within our statement of common ground there were three matters. We can see that the first two matters, both relating to defining the ‘agent of change’, have been addressed and incorporated which we support.

However we note that the third matter remains unresolved. Norwich City Council would still like to see the acknowledgement of ‘strategic regeneration opportunities’ within the supplementary text of policy MP10 as contextual information.

Change suggested by respondent: As per our previous representations we would suggest that an additional modification is made to paragraph MP10.3 to amend 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 comments: No modifications are proposed to paragraph MP10.3. Our response to the representation by Norwich City Council raising this issue at the Publication Stage of the Minerals

and Waste Local Plan is in the Feedback Report (document A6 page 127) and the Statement of Common Ground with Norwich City Council (document D5) in the examination library and remains the same. The safeguarded Trowse railhead is an existing, active site, and has been for many decades. The allocations in the Greater Norwich Local Plan were made 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.

Modification reference: **whole schedule of proposed Modifications**

Respondent: **East Suffolk Council** (Ian Johns, Planner (Policy)) [21848]

Representation received: Comment Rep ID: 99642

Summary: Having considered the documents carefully, the Council has no specific comments to make in response to the Main Modifications Consultation and does not wish to raise any objections.

NCC Planning Officer comments: Noted.

Modification reference: **whole schedule of proposed Modifications**

Respondent: **South Wootton Parish Council** (Mr Ivan Jordan, Chairman) [16422]

Representation received: Comment Rep ID: 99643

Summary: Thank you for the opportunity to comment on the above consultation. The Parish Council have examined the latest documents and have no further comment to make.

NCC Planning Officer comments: Noted

Modification reference: **MM01** **Vision**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Comment Rep ID: 99547

Summary: We welcome the requirement for all developments to provide a measurable biodiversity net gain but recommend that a more ambitious target of 20% is set (see our comments relating to MM01). We recommend that the text "wherever possible" is removed from the sentence relating to the contribution to the delivery of the national Nature Recovery Network objectives.

We support the requirement for the use of sustainable transport.

NCC Planning Officer comments: Noted. With regards to the recommendation by NWT for a more ambitious BNG target of 20%, 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 or at mineral extraction sites and associated developments and therefore we are not able to include a higher BNG requirement in the NM&WLP. The Defra Impact Assessment for Biodiversity Net Gain (21.11.2018) quoted from the in full submission from NWT ([181121 Biodiversity Net Gain Consultation IA FINAL for publication.pdf](#)) specifically states that the cost benefit analysis undertaken only includes housing development.

We consider that including the text 'wherever possible' in the sentence relating to the contribution to the delivery of the national Nature Recovery Network objectives is appropriate, because some developments, such as permanent waste management facilities in existing industrial locations, are unlikely to be able to contribute to the delivery to the national Nature Recovery Network objectives.

Modification reference: **MM01**

Vision

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment

Rep ID: 99593

Summary: Breedon has no objection to this Main Modification MM01.

NCC Planning Officer comments: Noted

Modification reference: **MM01**

Vision

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object

Rep ID: 99616

Summary: It is beyond the role of the planning system to specify which vehicles can and cannot be used to transport minerals. The planning system can promote use, but this could not be enforced. Also, Minerals can only be worked where they are found and as such, unlike waste developments, their locations are constrained by geology

Change suggested by respondent: Amend the wording to read: *"Mineral development and waste management within Norfolk will be undertaken in ways that minimise and mitigate their contribution to climate change, including reducing methane emissions and reducing carbon emissions to contribute to net zero carbon targets. [insert: **The Council will promote the**] movement of minerals and waste [delete: will use] [insert: **using**] sustainable transport methods where these are available, including low or zero emission vehicles."*

Amend the wording to read: *Mineral development and waste management facilities will be designed and, [insert: **where the geology permits,**] located to reduce the risk from and adapt to climatic effects, such as flooding."*

NCC Planning Officer comments: We appreciate that the planning system can promote but cannot specify which vehicles can and cannot be used to transport minerals. However, this is the Vision for the Minerals and Waste Local Plan, and the Vision is that the movement of minerals and waste will use sustainable transport methods where this is available. This is implemented through policies MW2 and MW3. The aspect of the Vision that refers to locating developments to reduce the risk from and adapt to climatic events, such as flooding, has not changed from the Publication version of the Plan. We recognise that minerals can only be worked where they are found and therefore their locations are constrained by geology. However, the Vision is still that development will be located to reduce the risk from and adapt to climatic effects, such as flooding. This aspect of the vision will be implemented through Policies MW1 and MW3. Therefore, no changes are proposed to the Vision.

Modification reference: **MM02**

Waste Strategic Objectives WS07

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Comment

Rep ID: 99548

Summary: We welcome the requirement for all developments to provide a measurable biodiversity net gain but recommend that a more ambitious target of 20% is set (see our comments relating to MM01). We support the requirement for any temporary developments to make a contribution to the delivery of the national Nature Recovery Network objectives.

NCC Planning Officer comments: Noted. See response to representation 99547 (MM01) above regarding the suggested 20% BNG target.

Modification reference: **MM03** **Minerals Strategic Objectives**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Comment Rep ID: 99549

Summary: We welcome the requirement for all developments to provide a measurable biodiversity net gain but recommend that a more ambitious target of 20% is set (see our comments relating to MM01). We support the requirement for any temporary developments to make a contribution to the delivery of the national Nature Recovery Network objectives.

NCC Planning Officer comments: Noted. See response to representation 99547 (MM01) above regarding the suggested 20% BNG target.

Modification reference: **MM03** **Minerals Strategic Objectives**

Respondent: **Sibelco UK Ltd** (Mr David Walton, Head of Planning and Estates) [21989]

Representation received: Object Rep ID: 99581

Summary: Proposed Modification to Minerals Strategic Objective MS02. The proposed wording put forward by NCC isn't consistent with national policy and is not positively prepared.

As per our previous representations we suggest the wording should be amended to read as:

“MS02. 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 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 required and safeguarding existing infrastructure.”

NCC Planning Officer comments: As per our feedback to the representation 99290 at the Publication Stage we do not consider that it is necessary to add 'or at least 15 years where significant new capital investment is required' as this is contained within NPPF 2023 (paragraphs 213 and 214). Additionally, at no point during the preparation of the NM&WLP has it been suggested by the operator that significant new capital is required for operations to continue. It is considered that the current proposed modification to include safeguarding of existing extraction sites is appropriate and should not be removed.

Modification reference: **MM03** **Minerals Strategic Objectives**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99594

Summary: Breedon has no objection to this Main Modification MM03.

NCC Planning Officer comments: Noted

Modification reference: **MM03** **Minerals Strategic Objectives**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99167

Summary: The amendments should reflect the requirements of the NPPF and avoid the use of loose or superfluous wording. For example, the words “where practicable” are not within the NPPF with respect to Industrial sands and the p.

Change suggested by respondent: Amend the wording of objective MS01 to read: "To provide a steady and adequate supply of aggregate minerals, by identifying adequate mineral extraction sites within Norfolk sufficient to meet the forecast need, based on the Local Aggregate Assessment; by maintaining a landbank of at least 7 years for sand and gravel and at least 10 years for Carstone; and

safeguarding [insert: **mineral resources and**] existing [insert: **and planned**] extraction sites and infrastructure.”

Amend the wording of objective MSO2 to read: "To provide a steady and adequate supply of industrial minerals by identifying adequate mineral extraction sites within Norfolk and through the inclusion of 'criteria-based' locational policies, sufficient to meet the forecast need; by maintaining a stock of permitted reserves of silica sand of at least 10 years [insert: **for individual silica sand sites and at least 15 years for silica sand sites where significant new capital is required;**] [delete: where practicable] and safeguarding [insert: **mineral resources and**] existing [insert: **and planned**] extraction sites and infrastructure."

NCC Planning Officer comments: Regarding the change suggested to the safeguarding aspect of objectives MSO1 and MSO2, there is no need to refer to safeguarding mineral resources in MSO1 or MSO2 because this is covered by objective MSO4. Whilst MSO1 and MSO2 do not currently refer to safeguarding planned extraction sites and infrastructure, they are safeguarded through policies MP10 and MP11 and therefore we do not consider that there is any need or benefit to modifying MSO1 or MSO2 in this regard.

Regarding the change suggested to MSO2 to include ‘individual silica sand sites and at least 15 years for silica sand sites where significant new capital is required’, this point was raised by the Mineral Products Association and Sibelco at the Publication stage and as stated in our response at that stage (see document A6 Feedback Report page 70), no evidence has been provided during the NM&WLP process that significant new capital investment is required for the silica sand processing plant and therefore it is not necessary to include this aspect of the NPPF wording in the objective. As also stated in our response at the Publication stage the objective 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 since 2010.

Modification reference: **MM04** **Key Diagram**

No representations received on MM04.

Modification reference: **MM05** **Policy MW1 Development Management Criteria**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Comment Rep ID: 99550

Summary: We welcome the requirement for all developments to provide a measurable biodiversity net gain but recommend that a more ambitious target of 20% is set (see our comments relating to MM01). We support the requirement for any temporary developments to make a contribution to the delivery of the national Nature Recovery Network objectives.

NCC Planning Officer comments: Noted. See response to representation 99547 (MM01) above regarding the suggested 20% BNG target.

Modification reference: **MM05** **Policy MW1 Development Management Criteria**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99570

Summary: We welcome the new text at the end of the existing paragraph on the Historic Environment relating to archaeology.

NCC Planning Officer comments: Noted.

Modification reference: **MM05** **Policy MW1. Development Management Criteria**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99595

Summary: Breedon has no objection to this Main Modification MM05.

NCC Planning Officer comments: Noted

Modification reference: **MM05** **Policy MW1 Development Management Criteria**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99618

Summary: The wording is introducing text which it suggests is part of the historic environment policy requirements in the NPPF. This is not the case, nor does the wording appear in the Planning Practice Guidance.

In addition, unlike mandatory BNG, geodiversity may not always be practicable or possible to include and clearly it needs to be relevant to the surroundings, safe and geologically beneficial.

Change suggested by respondent: Amend the proposed additional text to read:

"Subject to the development proposal meeting the NPPF historic environment policy requirements, the preferred mitigation for developments affecting archaeological assets of [delete: 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."

Amend the second bullet point as follows: *"providing geodiversity gains [insert: **where practicable, geologically relevant and safe to do so;**] providing a minimum measurable 10% biodiversity net gain and contributing to the delivery of the national Nature Recovery Network objectives"*

NCC Planning Officer comments: The paragraph quoted in the representation sets out Norfolk County Council's approach to determining applications affecting archaeological assets of less than national importance. Historic England's Good Practice Advice Note in Planning 1 'The Historic Environment in Local Plans' states that it would be useful for local plans to provide clarity on how they determine applications affecting archaeological assets of less than national importance. Historic England's representation 99224 on Policy MW1 (made in response to the Regulation 19 stage of the NM&WLP) was regarding the need for additional detail on below ground archaeology in the NM&WLP and the wording of MM05 was agreed with Historic England in the Statement of Common Ground (document A18).

We disagree with the proposed change to include 'where practicable, geologically relevant and safe to do so' because the policy only requires enhancements where opportunities arise, therefore these caveats around the provision of geodiversity gains within the policy are not relevant.

Modification reference: **MM06** **Policy MW2. Transport**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99596

Summary: Breedon has no objection to this Main Modification MM06.

NCC Planning Officer comments: Noted

Modification reference: **MM07** **Policy MW3 Climate change mitigation and adaption**
Respondent: **Lead Local Flood Authority (NCC)** (Sarah Luff, Strategic Flood Risk officer) [21990]
Representation received: Object Rep ID: 99545

Summary: The LLFA has reviewed the main modifications as proposed and has the following comment to make. In relation to MM07, Policy MW3, the LLFA notes there is no consideration of surface water flows. The LLFA notes that NPPF requires that all sources of flood risk must be considered in the development proposals. Therefore the LLFA requests the inclusion of Surface Water be added to the text.

NCC Planning Officer comments: To respond to the issue raised by the LLFA (and the Environment Agency in their representation 99645), we propose to amend the wording of point (e) of policy MW3 as follows, which would be consistent with the NPPF: “take account of potential changes in climate, including **increased flood risk from all sources, but particularly** rising sea levels, **larger river flows and surface water runoff; increasingly variable groundwater levels** and coastal erosion.”

Modification reference: **MM07** **Policy MW3 Climate change mitigation and adaption**
Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]
Representation received: Support Rep ID: 99551

Summary: We support the proposed new text around energy use and the inclusion of river flows.

NCC Planning Officer comments: Support noted.

Modification reference: **MM07** **Policy MW3. Climate change mitigation and adaption**
Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]
Representation received: Comment Rep ID: 99597

Summary: Breedon has no objection to this Main Modification MM07.

NCC Planning Officer comments: Noted

Modification reference: **MM07** **Policy MW3 Climate change mitigation and adaption**
Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99619

Summary: Poor choice of wording. “Demonstrate” suggests a practical demonstration, whereas in reality, the Council will be seeking “a description or details of”

Change suggested by respondent: Amend the wording to read: “*[delete: demonstrate] [insert: **details**] how the proposed development will minimise and manage energy use (through the submission of an energy, climate change and sustainability statement)...*”

NCC Planning Officer comments: We accept that ‘detail’ would be a better word to use than ‘demonstrate’ in requirement c of Policy MW3.

Modification reference: **MM07** **Policy MW3 Climate change mitigation and adaption**
Respondent: **Environment Agency** (Mr Harry Skinner, Sustainable Places – Planning Advisor) [22001]
Representation received: Comment Rep ID: 99645

Summary: We note there is lack of reference to Groundwater in Main Modification 07 relating to Climate Change Mitigation and Adaptation and advise this be included. The inclusion of increased river flows is a sensible addition, particularly relating to flood risk. As mineral developments have the potential to impact groundwater resources, we suggest the addition "increasingly variable groundwater

levels" or something similar to reflect the predicted climate impacts to groundwater due to Climate Change, inclusive of flood risk caused by high groundwater levels and droughts associated with low groundwater levels.

NCC Planning Officer comments: To respond to the issue raised by the Environment Agency (and by the LLFA in their representation 99545), we propose to amend the wording of point (e) of policy MW3 as follows, which would be consistent with the NPPF: "take account of potential changes in climate, including **increased flood risk from all sources, but particularly** rising sea levels, **larger river flows and surface water runoff; increasingly variable groundwater levels** and coastal erosion."

Modification reference: **MM08** **Paragraph 9.2**

No representations received on MM08.

Modification reference: **MM09** **Paragraph 9.3**

No representations received on MM09.

Modification reference: **MM10** **Paragraph 9.4**

No representations received on MM10.

Modification reference: **MM11** **Paragraph 9.5**

No representations received on MM11.

Modification reference: **MM12** **New paragraph after paragraph 9.5**

No representations received on MM12.

Modification reference: **MM13** **Paragraph 9.6**

No representations received on MM13.

Modification reference: **MM14** **Policy MW4. The Brecks Protected Habitats and Species**

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

Representation received: Comment Rep ID: 99563

Summary: Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the inclusion of the advice we provided on stone curlew and Breckland Special Protection Area (SPA) dated 18 September 2023. Our only comment refers to a typographical error. For clarity, we do advise this is amended.

1) MM14 – Policy MW4. The Brecks Protected Habitats and Species, page 42.

The first bullet point in this policy states, "More than 1,500km away from potential stone curlew nesting sites inside the SPA." The distance needs to be amended to 1,500m.

NCC Planning Officer comments: Noted. The typographical error will be corrected and did not form part of the proposed Main Modification text.

Modification reference: **MM15** **Map 2 (and Policies Map)**

No representations received on MM15.

Modification reference: **MM16** **Paragraph W0.13**

No representations received on MM16.

Modification reference: **MM17** **Paragraph W0.16**
No representations received on MM17.

Modification reference: **MM18** **Paragraph W1.10**
No representations received on MM18.

Modification reference: **MM19** **Paragraph W2.2**
No representations received on MM19.

Modification reference: **MM20** **Policy WP2. Spatial Strategy for Waste Management Facilities**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Support Rep ID: 99552

Summary: We support the inclusion of irreplaceable habitat.

NCC Planning Officer comments: Support noted.

Modification reference: **MM20** **Policy WP2. Spatial Strategy for Waste Management Facilities**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99571

Summary: We welcome the additional reference to conservation areas and also clarification with regard to significance and setting.

NCC Planning Officer comments: Noted.

Modification reference: **MM21** **Policy WP3. Land suitable for waste management facilities**

Respondent: **Anglian Water** (Tessa Saunders, Spatial and Strategic Planning Manager – Sustainable Growth) [21901]

Representation received: Support Rep ID: 99586

Summary: Anglian Water supports the amendment to the policy to allow greater flexibility in how waste is managed at our sludge treatment centres. This represents the amendment agreed in the SoCG.

NCC Planning Officer comments: Support noted.

Modification reference: **MM22** **New paragraph after paragraph W4.1**

No representations received on MM22.

Modification reference: **MM23** **Policy WP7. Household Waste Recycling Centres**

No representations received on MM23.

Modification reference: **MM24** **Policy WP13. Landfill mining and reclamation**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Comment Rep ID: 99553

Summary: We support the new text but recommend setting a target of 20% BNG (see our comments relating to MM01).

NCC Planning Officer comments: Noted. See response to representation 99547 (MM01) above regarding the suggested 20% BNG target.

Modification reference: **MM24** **Policy WP13. Landfill mining and reclamation**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99572

Summary: We welcome the reference to the historic environment and restoration.

NCC Planning Officer comments: Noted.

Modification reference: **MM25** **Policy WP14. Water Recycling Centres**

Respondent: **Anglian Water** (Tessa Saunders, Spatial and Strategic Planning Manager – Sustainable Growth) [21901]

Representation received: Object Rep ID: 99591

Summary: With regards to the MM to insert "**and/or d. comply with new legislation and/or e. incorporate climate change adaptation and mitigation measures (as detailed in Policy MW3)**".

Anglian Water **supports** the amendment to the policy to insert clause d. to address that future development proposals at our water recycling centres (WRCs) that may include climate change mitigation and adaptation measures to help meet our Net Zero Strategy commitments. This represents the amendment agreed in the SoCG.

With regards to the MM to insert the following new text before the last sentence in the policy: "**Where appropriate, applications will also need to demonstrate the contribution that the development would make to water quality improvement**".

This additional clause did not form part of the agreed amendment specified in the SoCG for Policy WP14. Therefore, it does not clearly represent our previous submissions to the Local Plan consultation or examination.

We consider that the additional new text before the last sentence in Policy WP14 is unnecessary as the need to demonstrate the contribution that the development would make to water quality is part of the regulatory permitting system that is overseen by the Environment Agency and includes legislative requirements. **Therefore, we object to the insertion of this text as it is subject to a separate permitting system** which includes environmental obligations through our Water Industry National Environment Programme (WINEP) to ensure we deliver our fair share of water quality objectives.

NCC Planning Officer comments: We agree that the additional clause did not form part of the agreed amendment specified in the SoCG between Norfolk County Council and Anglian Water; this is because the additional clause was written in response to the Planning Inspector's written Question 7 of Main Matter 8. We recognise that the discharge to water from Water Recycling Centres is subject to a separate permitting system overseen by the Environment Agency and that waste planning authorities should assume that these regimes will operate effectively. However, before granting planning permission the Waste Planning Authority will need to be satisfied that the impacts of the use of the land can or will be adequately addressed. Therefore, as large areas of Norfolk are within the catchments affected by Nutrient Neutrality it is considered proportionate for development for new or extended water recycling centres or improvements to existing sites and supporting infrastructure at water recycling centres to demonstrate the contribution they would have in reducing existing water quality issues from outfalls, where appropriate to the application.

Modification reference: **MM26** **Paragraph W15.2**

Respondent: **Anglian Water** (Tessa Saunders, Spatial and Strategic Planning Manager – Sustainable Growth) [21901]

Representation received: Support Rep ID: 99587

Summary: Anglian Water **supports** the modification which reflects the wording suggested in our hearing statement and aligns with our Business Plan and Asset Management Periods (AMP) of five years, that outline the investments being made during this period.

A minor clarification – should the final paragraph of the modification text be sub-paragraph c)?

NCC Planning Officer comments: Support noted. The minor clarification point is likely to refer to the proposed modification to paragraph W15.5 and the final paragraph of the modification text to W15.5 should be sub-paragraph c).

Modification reference: **MM27** **Paragraph W15.5**

Respondent: **Anglian Water** (Tessa Saunders, Spatial and Strategic Planning Manager – Sustainable Growth) [21901]

Representation received: Support Rep ID: 99588

Summary: Anglian Water **supports** the modification to Paragraph W15.5 which reflects the wording suggested in our hearing statement and our internal decision-making processes that must be followed to deliver planned investments at Whitlingham WRC during the AMP.

NCC Planning Officer comments: Support noted.

Modification reference: **MM28** **Policy WP15. Whitlingham Water Recycling Centre**

Respondent: **Anglian Water** (Tessa Saunders, Spatial and Strategic Planning Manager – Sustainable Growth) [21901]

Representation received: Support Rep ID: 99589

Summary: Anglian Water **supports** the modification to Policy WP15 that appropriately clarifies the medium-term strategy for Whitlingham WRC – consistent with the interpretation of this strategy in MM27.

NCC Planning Officer comments: Support noted.

Modification reference: **MM29** **Paragraph MP1.3**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99598

Summary: Breedon has no objection to this Main Modification MM29.

NCC Planning Officer comments: Noted

Modification reference: **MM30** **Paragraph MP1.4**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Object Rep ID: 99599

Summary: Breedon objects to this Main Modification MM30. MM30 is not positively prepared and is not consistent with national policy.

Norfolk County Council ('NCC') has not taken into consideration Paragraph 226 of the National Planning Policy Framework (2024) ('NPPF') which states:

“Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources)"

Breedon maintain that the Plan needs to reflect NCC's own finding for future aggregate demand set out in its own Local Aggregate Assessment (2022) ('LAA'). The LAA identifies significant housing demand, economic demand, population growth and infrastructure requirements.

To remove this objection, Breedon suggest the last sentence of MM30 is amended. This amendment will link the forecast to the LAA ensuring MM30 seeks to meet objectively assessed need so that it is positively prepared. It also ensures that MM30 is consistent with national policy. It avoids a scenario where NCC solely consider historic sales trends when considering future demand.

Change suggested by respondent: To remove this objection, Breedon suggest the last sentence of MM30 is amended to read:

"However, in order to plan for future growth [insert: in line with the LAA], the 10-year sales average is considered to be [delete: slightly] too low to use when forecasting future need for a steady and adequate supply of aggregate in Norfolk."

NCC Planning Officer comments: We do not think that it is necessary for the words 'in line with the LAA' to be included in the text because, whilst the figures in the most recent published LAA have informed the quantity of aggregate to be planned for in the NM&WLP, the LAA is an annual assessment and the figures within the LAA will change each year. We do not consider it appropriate or necessary to delete the word 'slightly' from the phrase 'slightly too low' because in the period up to 2022 the 10-year sales average was higher than the 3-year sales average. With regards to the issue raised about the quantified forecast need for sand and gravel, please refer to our response to representation 99601.

Modification reference: **MM30** **paragraph MP1.4**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99620

Summary: The proposed modification does not appear to accord with the requirements of the NPPF, be align with the LAA and the wording is subjective and therefore not positively prepared. **Change**

suggested by respondent: We suggest amending the wording to read: "*However, in order to plan for future growth, [insert: **in accordance with the LAA,**] the 10-year sales average is considered to be [delete: slightly] too low to use when forecasting future need for a steady and adequate supply of aggregate in Norfolk.*"

NCC Planning Officer comments: Please refer to the response to representation 99599 above.

Modification reference: **MM31** **Paragraph MP1.5**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99600

Summary: Breedon has no objection to this Main Modification MM31.

NCC Planning Officer comments: Noted

Modification reference: **MM32** **Paragraph MP1.6**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99605

Summary: Breedon has no objection to this Main Modification MM32.

NCC Planning Officer comments: Noted

Modification reference: MM33 Paragraph MP1.7

Respondent: **Earsham Gravels Limited** [4031] Agent: **Stephen M Daw Limited (Mr S Daw)** [143]

Representation received: Object Rep ID: 99546

Summary: The Respondent is disappointed the Plan has not been amended to adopt a minimum 20% buffer. A 20% buffer would still result in a small shortfall of 0.196mt, Planned reserves at the end of the Plan period should be at least sufficient for 7 years production based on 10-year average sales figures at the time.

Should the Inspector to be minded to adopted a 20% buffer or a greater degree of flexibility or have sufficient reserve at the end of the Plan period, the Plan will need to allocate a larger quantity of sand and gravel.

Change suggested by respondent: To adopt a minimum 20% buffer and make provision at the end of the Plan period when calculating a sand and gravel requirement and if necessary allocate more mineral. In this consideration should be given to the respondent's site MIN 212 Mundham which contains a reserve of 0.325mt and was a site 'considered suitable for sand and gravel extraction' at the Preferred Options stage.

NCC Planning Officer comments: There is not a requirement in the NPPF or the PPG for the plan to allocate sites to enable a landbank of at least 7 years production to exist at the end of the Plan period. A landbank of permitted reserves is calculated from the extant planning permissions for mineral extraction, not from sites allocated in the Plan.

The updated 10-year average plus 10% in MM33 results in an annual forecast need for sand and gravel of 1.554 million tonnes and a need to allocate 6.91 million tonnes. The suggested 10-year average plus 20% proposed by the respondent would produce an annual forecast need of 1.696 million tonnes and a need to allocate 9.182 million tonnes. Norfolk has not produced over 1.69 million tonnes of sand and gravel in a year since 2007. Therefore adding 20% to the 10-year average is not considered necessary or appropriate.

In addition, MM43 adds greater flexibility to policy MP1 by stating that mineral extraction outside of allocated sites will be supported by the MPA where the applicant can demonstrate that there is an overriding justification and/or overriding benefit for the proposed extraction and/or the landbank of permitted reserves of sand and gravel in Norfolk is below seven years.

The respondent suggests allocating proposed site MIN 212 at Mundham. The reasons why site MIN 212 is not suitable to allocate are set out in our response to representation 99081 on page 217 of the Regulation 19 Feedback Report [document A6 of the examination library].

Modification reference: MM33 Paragraph MP1.7

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Object Rep ID: 99601

Summary: Breedon objects to this Main Modification MM33. MM33 is not positively prepared and is not consistent with national policy.

NCC has updated its figures based on the note updating sand and gravel provision ['Update on the sand and gravel, carstone and silica sand provision within the Norfolk Minerals and Waste Local Plan']. However, NCC has failed to have regard to future demand for sand and gravel set out in the LAA, as discussed at the EIP and as Breedon set out in its Hearing Paper on Main Matter 3.

The 10% flexibility figure was discussed with the Inspector and regarded as a buffer against Specific Sites not coming forward for development. It was not regarded as a measure to meet future growth demand for sand and gravel, as is indicated by the housing allocations, economic growth, population growth and infrastructure projects outlined in the LAA. These indicators suggest growth beyond that experienced over the past 10 years.

Breedon contends that either a 20-year sales average or 10-years sales average plus a 20% buffer should be used in the calculations to ensure that the Plan meets future growth forecasts outlined in the LAA. This change is suggested as the Plan simply rolls forward historic demand. It does not plan or consider the scenario outlined in the LAA which indicates that growth will significantly increase.

This amendment will link the forecast need to the conclusions of the LAA ensuring MM33 seeks to meet objectively assessed need ensuring it is positively prepared. It also ensures that MM33 is consistent with national policy, noting Paragraph 226 of the NPPF.

NCC Planning Officer comments: The updated 10-year average plus 10% in MM33 results in an annual forecast need for sand and gravel of 1.554 million tonnes and a need to allocate 6.91 million tonnes. The suggested 10-year average plus 20% proposed by Breedon Trading Ltd would result in an annual forecast need of 1.696 million tonnes and a need to allocate 9.182 million tonnes. Norfolk has not produced over 1.69 million tonnes of sand and gravel in a year since 2007. Therefore adding 20% to the 10-year average is not considered necessary or appropriate.

The suggested 20-year average proposed by Breedon Trading Ltd would produce an annual forecast need of 1.628 million tonnes and a need to allocate 8.09 million tonnes. Norfolk has not produced over 1.62 million tonnes of sand and gravel a year since 2007. Therefore, using the 20-year average is not considered necessary or appropriate.

As the Mineral Planning Authority stated at the hearing session regarding this subject, the quantum of forecast growth has been considered in the preparation of the LAA. Greater Norwich and the rest of Norfolk have experienced considerable growth since the early 2000's and therefore historical aggregate sales figures have taken place against the background of growth and there have not been shortages of aggregate supply. The landbank figure for sand and gravel in the latest published LAA is significantly above the 7-year minimum. The NM&WLP as submitted together with the proposed modifications will be sound and legally compliant and provide a steady and adequate supply of aggregate mineral.

Modification reference: **MM33** **Paragraph MP1.7**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99621

Summary: We do not believe the Council has taken the essence of the 10% buffer in accordance with the discussions at the EIP. The Council does not appear to have made any effort to forecast demand and is simply using the "10% buffer" as a forecast. The figures should be revisited to forecast demand and then the 10% buffer added.

NCC Planning Officer comments: Please refer to the response to representation 99601 above, which raises a similar issue.

Modification reference: **MM34** **New paragraph before paragraph MP1.8**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Support Rep ID: 99554

Summary: We support the inclusion of this paragraph.

NCC Planning Officer comments: Support noted.

Modification reference: **MM34** **New paragraph before paragraph MP1.8**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99602

Summary: Breedon has no objection to this Main Modification MM34.

NCC Planning Officer comments: Noted

Modification reference: MM35 Paragraph MP1.8

No representations received on MM35.

Modification reference: MM36 Paragraph MP1.11

No representations received on MM36.

Modification reference: MM37 Paragraph MP1.12

No representations received on MM37.

Modification reference: MM38 Paragraph MP1.13

No representations received on MM38.

Modification reference: MM39 Paragraph MP1.14

No representations received on MM39.

Modification reference: MM40 Paragraph MP1.15

No representations received on MM40.

Modification reference: MM41 Paragraph MP1.18

Respondent: **Sibelco UK Ltd** (Mr David Walton, Head of Planning and Estates) [21989]

Representation received: Object Rep ID: 99582

Summary: Sibelco notes the amendments and considers it provides some flexibility. However, it was clearly identified in the hearings that the Plan cannot limit this nationally important resource to one processing plant and to provide flexibility and consistency with the NPPF we consider that the wording needs to be amended to reflect this.

NCC Planning Officer comments: It is recognised that MM46 and MM47 both contain proposed wording to allow for the possibility that an additional or replacement processing plant to the existing one at Leziate could be proposed and permitted during the Plan Period. Therefore, for consistency we would be willing for the last sentence of MM41 to be amended to state that ‘Therefore, the quantity of silica sand to be planned for will be at the current maximum lawful or permitted throughput of any silica sand processing plant site or sites in Norfolk.’

Modification reference: MM41 Paragraph MP1.18

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99622

Summary: The Council needs to provide clarity on sales and production figures. Reference is made 10-years production and then 3-years production, followed by 10-years average sales data and 3-years sales data. It then refers to raw silica sand throughput of the plant. The wording requires clarity as these figures will undoubtedly be very different.

NCC Planning Officer comments: The wording used in this paragraph to refer to sales, production and raw silica sand per annum have not been changed in the proposed Main Modification. The Modification is to the figures quoted in the paragraph to update them to the most recently published data. The NPPF and PPG refer to sales data and the figures used in the NM&WLP are sales data; however, the terms sales and production have been used interchangeably throughout the NM&WLP. This issue regarding the use of the terms sales and production was not raised by the Mineral Products Association at any previous stage in the production of the NM&WLP. We recognise that raw silica sand throughput to the processing plant will be different to the sales figures; however, the processing of raw

silica sand results in waste unsuitable for sale, which means that the annual sales would be expected to be lower than the maximum permitted throughput of the processing plant.

Modification reference: **MM42** Paragraph **MP1.20**

Respondent: **Sibelco UK Ltd** (Mr David Walton, Head of Planning and Estates) [21989]

Representation received: Comment Rep ID: 99583

Summary: Sibelco welcome the amendment to the figures.

NCC Planning Officer comments: Noted.

Modification reference: **MM42** Paragraph **MP1.20**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99623

Summary: The wording does not reflect the NPPF or the wording of proposed amendment MM41. The latter states that “*the quantity of silica sand to be planned for will be at least the current maximum lawful throughput of the Leziate processing plant site*”. The proposed wording does not reflect “at least the current maximum”, it is precisely the quoted current maximum.

Change suggested by respondent: The text should be amended to read:

*"The permitted reserve of silica sand, at 31/12/2022 is estimated at 3.08 million tonnes. The permitted reserve therefore provides a [delete: landbank] [insert: **stock of permitted reserves**] of less than 10 years' worth of silica sand production, which is below the level required by the NPPF.*

Further, the forecast is clearly an underestimate and is not being based upon true output but a “maximum throughput”. **This is also wholly contrary to the discussions and agreement at the EIP.** The amended text using the 10 year average clearly states silica sand production in Norfolk over the last 10 years (2013-2022) was 825,643. It is this figure which should be used to forecast production over the next 16 years to ensure a steady and adequate supply of silica sand is maintained and avoid under-supply. Failure to deliver this will render the plan unsound.

The bullet points should be amended to read.

- *The forecast need for silica sand from 2023-2038 [insert: **based upon the 10 years production**] is [delete: **therefore 0.754**] [insert: **0.826**] million tpa x 16 years = [delete: **12.064**] [insert: **13.216**] million tonnes*
- *Silica sand permitted reserve at 31/12/2022 = 3.08 million tonnes*
- *Total shortfall is the forecast need minus permitted reserve = [delete: 8.984] [insert: **10.136**] million tonnes.*

The total shortfall and the minimum quantity to be allocated is therefore [delete: 8.984] [insert: **10.136**] million tonnes which is equivalent to the need for [delete: 11.9] [insert: **12.27**] years' further supply over the period of the Minerals and Waste Local Plan."

NCC Planning Officer comments: The first proposed change to replace the term ‘landbank’ with ‘stock of permitted reserves’ is not necessary because they mean the same thing – a mineral landbank is a stock of permitted reserves. The other proposed changes relate to using the figures from the past 10-year sales average provided by Sibelco to forecast the future need for silica sand. As set out in Norfolk County Council’s hearing statement to matter 3 (paragraph 1.2), and discussed at the hearings, the processing plant operates through a Lawful Development Certificate which contains a maximum annual throughput for the processing plant of 754,000 tonnes. The data which supported the issue of the Lawful Development Certificate was supplied by Sibelco UK Ltd. While it is acknowledged that the 10-year and 3-year rolling average figures supplied by Sibelco are above the maximum lawful throughput of the processing plant, it is considered that the maximum throughput is an appropriate

figure to use for the minimum level of plan provision because the NPPF directly links the provisions of a stock of silica sand reserves to support the maintenance and improvement of existing plant. There are also inconsistencies within the 10-year and 3-year average figures supplied, and Sibelco do not supply annual sales figures to the Mineral Planning Authority. As discussed at the hearings, the opportunity exists for Sibelco as the mineral operator to submit a planning application to increase this maximum throughput of the processing plant. To clarify, the calculation of forecast need for silica sand in paragraph MP1.20 concludes that 8.984 million tonnes is the **minimum** quantity to be allocated.

Modification reference: **MM43** **Policy MP1. Provision for mineral extraction**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Object Rep ID: 99603

Summary: Breedon objects to this Main Modification MM43. MM43 is not positively prepared and is not consistent with national policy.

Breedon welcome the overall more positive approach and rewording to reflect that sand and gravel extraction will be supported and not resisted, however MM43 does not go far enough to ensure the steady and adequate supply of sand and gravel.

As already set out the use of 10-year sales plus a 10% buffer does not meet forecast growth outlined the LAA. Breedon suggests either a 20-year sales average or 10-year sales average plus a 20% buffer would better meet objectively assessed need.

The Council has an obligation to provide a steady and adequate supply of sand and gravel under Paragraph 226 of the NPPF which is defined as maintaining landbanks of at least 7 years for sand and gravel. As such supporting proposed extraction in a scenario where sand and gravel landbank is already below 7 years is in itself contrary to the NPPF. Policy MP1 must prevent this scenario from occurring rather than providing support where this important national policy is breached. Therefore, MM43 should be changed so that NNC support mineral extraction outside of allocated sites where the development is required to *maintain* a 7-year landbank.

Breedon also considers the criteria used in MP1 of overriding benefit, overriding justification and proposed extraction to *maintain* the landbank of permitted sand and gravel above 7 years should be met individually and therefore 'or' should be used rather than 'and/or' within the policy wording. Breedon suggests amending the wording such that it may be possible for development to meet one or more criterion with an overarching requirement to be consistent with all other relevant policies set out in the Development Plan.

This is especially pertinent given the recent publication of the NPPF and the delivery of 1.5 million homes and increased growth and development aspirations. This is not considered by the current LAA (notwithstanding our concern that the Plan does not fully consider demand outlined in the LAA) therefore it is essential that increased flexibility is introduced into MP1 because demand for sand and gravel is likely to increase significantly.

Change suggested by respondent: Breedon suggest MM43 should be revised and amended as follows:

“Mineral extraction for sand and gravel outside of allocated sites will be supported by the Mineral Planning Authority where [insert: the proposal is consistent with all other relevant policies set out in the Development Plan and] the applicant can demonstrate [insert: one or more of the following]:

- a) There is overriding benefit for the proposed extraction [delete: and/]; or
- b) There is overriding justification for the proposed extraction [delete: and]; or
- c) [delete: the landbank of permitted reserves of sand and gravel in Norfolk is below seven years;]
[insert: The proposed extraction is required to maintain the landbank of permitted sand and gravel above 7 years.]

[delete: The proposal is consistent with all other relevant policies set out in the Development Plan]”

NCC Planning Officer comments: The County Council considers that using the 10-year sales average plus 10% is an appropriate method to determine the quantum of Plan provision for land won aggregate. Please refer to the response to representation 99601 for a more detail.

The respondent refers to paragraph 226 in the NPPF December 2024 instead of paragraph 213 in the NPPF September 2023 used for the EIP. This paragraph discusses the maintenance of aggregate supply and states that landbanks are principally an indicator that new provision should be made for aggregate extraction and alternative supplies in mineral plans. As the landbank is published annually through the LAA; and part of that process is to determine whether planned provision is adequate or should be reviewed; it is not necessary for this to be dealt with through Policy MP1. Policy MP1 addresses the circumstances when proposals for mineral extraction could be made on unallocated sites, one of which would be if the landbank is below 7 years. This is in accordance with the NPPG, which states at paragraph 082 Reference ID: 27-082-20140306 that “for decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates”.

We disagree with the suggested change to replace ‘the landbank of permitted reserves of sand and gravel in Norfolk is below seven years’ with ‘the proposed extraction is required to maintain the landbank of permitted sand and gravel above 7 years’ because when the landbank is already above 7 years all proposals for additional sand and gravel extraction would maintain the landbank above 7 years and therefore this wording would not add anything useful to the policy requirements because all proposals would meet it.

We agree with the proposal to move the text ‘the proposal is consistent with all other relevant policies set out in the development plan’ from the end of the policy to earlier in this policy as set out by the respondent. We also agree with the proposal to include the text ‘one or more of the following’. The policy as currently worded states ‘and/or’ and therefore does allow one or more of the requirements to be met and therefore, there is no need to delete the word ‘and’ from this part of the policy.

Modification reference: **MM43** **Policy MP1 Provision for mineral extraction**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99624

Summary: Whilst we recognise a more positive wording, as highlighted above, we have concerns over the forecast for growth which has not been predicted and is limited to an arbitrary 10% buffer.

In addition, the silica sand text needs to be amended to reflect the forecast highlighted above and the discussions and agreement at the EIP.

Change suggested by respondent: *We would suggest amending bullet point a) to read:*

There is an overriding justification and/or [delete: overriding] benefit for the proposed extraction; and/or [delete: the landbank of permitted reserves of sand and gravel in Norfolk is below seven years; and] [insert: to maintain the landbank of permitted sand and gravel of at least 7 years].

Amend the silica sand text to read: “For silica sand, sufficient sites to deliver at least [delete: 8.98] [insert: 10.136] million tonnes of silica sand resources will be required during the Plan period.”

NCC Planning Officer comments: We disagree with the suggested change to delete ‘overriding’ from the phrase ‘overriding benefit’, this is because there is generally accepted to be an economic benefit to mineral extraction in the NPPF, but in order for unallocated sites to comply with this policy there needs to be an overriding benefit from the particular proposal. In addition, this phrase did not form part of the proposed main modification being consulted on.

We disagree with the suggested change to replace ‘the landbank of permitted reserves of sand and gravel in Norfolk is below seven years’ with ‘to maintain the landbank of permitted sand and gravel of at least 7 years’ because when the landbank is already above 7 years all proposals for additional sand

and gravel extraction would maintain the landbank above 7 years and therefore this wording would not add anything to the policy requirements because all proposals would meet it.

With regards to the suggested change to the forecast silica sand figures, please refer to our response to representation 99623. With regards to the concerns about the sand and gravel growth forecast please refer to our response to representations 99601 and 99603.

Modification reference: **MM43** **Policy MP1 Provision for mineral extraction**

Respondent: **Environment Agency** (Mr Harry Skinner, Sustainable Places – Planning Advisor) [22001]

Representation received: Comment Rep ID: 99645

Summary: We note that the main policy changes relevant to Groundwater and Contaminated Land are around the changing of position to one of supporting new sites not currently allocated in the waste and mineral plans. Whilst we recognise that this gives flexibility within the planning regime to increase the reserves of minerals going forward, the risk that we will not have a chance to comment on the suitability of the site via the waste and mineral plan site allocations consultation will exist. We would question if any sites put forward for planning approval that are not allocated within the waste and mineral plan carry the same weight of 'presumption of being granted planning permission' as those currently allocated.

Most of the relevant change in policy wording link to Carstone and Silica sand reserves rather than the sands and gravels. It would appear that the sands and gravel reserves are 'healthy' i.e above target, whereas the carstone reserves are about on target with the silica sand reserves being below target based on currently allocated sites. Pressure to grant planning permission potentially on unseen sites for carstone and silica sands production is of concern, especially as these sites, given their limited geographical extent, tend to require substantial amounts of de-watering within the principal aquifer and can be associated with sensitive surface water receptors. This point mentioned is just to be highlighted for yourself and does not form any opposition to the plan.

NCC Planning Officer comments: Noted. Any planning applications submitted for sites that are not allocated within the waste and minerals plan will be determined on a case-by-case basis, on their own merits, in accordance with the development plan policies, unless material considerations indicate otherwise. Planning applications for unallocated silica sand sites will be determined in accordance with Policy MPSS1 which includes requirement (f): “Submission of an acceptable Hydrogeological Impact Assessment; based on proportionate evidence, to identify potential impacts to groundwater quality, quantity and levels; and to propose appropriate mitigation to protect any abstraction points, ecosystems and surface water features that are reliant on groundwater, in particular SSSIs, SACs and SPAs. The assessment will need to consider the precautionary principle as it relates to European designations. The assessment should include a programme of mitigation measures to address identified potential impacts;”

A carstone extraction site with sufficient resource to meet the forecast need during the Plan period, as well as sand and gravel sites with sufficient resources to meet the forecast need during the Plan period are allocated in the NM&WLP. If a planning application for an unallocated carstone site, or sand and gravel extraction site was to be submitted, it would be determined in accordance with the policies in the Plan, unless material considerations indicate otherwise. Relevant policies in the NM&WLP include MW1 ‘Development Management Criteria’ which states that minerals development will be acceptable where the development would not have an unacceptable impact on the quality and quantity of surface waterbodies and groundwater, the natural, geological and hydrogeological environment.

Modification reference: MM44 Paragraph MP1.25

Respondent: **McLeod Aggregates Ltd** [21904] Agent: **Stephen M Daw Limited (Mr S Daw)** [143]

Representation received: Object Rep ID: 99544

Summary: The proposed modifications do not address concerns made in the Respondents Hearing Statement (Rep 99083). The Respondent seeks the entire removal of all reference to specific circumstances. This would give the MPA more flexibility to approve imaginative schemes benefiting the environment or meeting the circumstances of an operator, whilst still complying with the Development Plan. As modified the Plan does not give the degree of flexibility required by the NPPF nor that sought by the Respondent to proceed, confident that an application will be considered on its merits and not simply refused because it doesn't meet a specific circumstance.

Change suggested by respondent: The Respondent seeks the entire removal of all reference to specific circumstances in Paragraph MP1.25, Page 72

NCC Planning Officer comments: The original representation 99083 requested a specific circumstance be included in paragraph M1.25 regarding the formation of freshwater or silt lagoons at an existing quarry. Proposed modification MM44 does not include that specific circumstance, but instead provides greater flexibility by stating that the examples of potential overriding planning reasons for mineral extraction to occur on unallocated sites are not limited to the circumstances listed in the paragraph. We do not consider it beneficial or appropriate to remove all reference to specific circumstances as the modification MM44 does not limit applications to the specific circumstances listed in paragraph MP1.25.

Modification reference: MM44 Paragraph MP1.25

Respondent: **Folkes Plant and Aggregates Limited** [17518] Agent: **Stephen M Daw Limited (Mr S Daw)** [143]

Representation received: Object Rep ID: 99543

Summary: Remove all reference to examples of potential overriding planning reasons to allow extraction on unallocated sites where all other policy requirements are met. Alternatively, amend to include an additional overriding planning reason, i.e. a shortfall of aggregate supply in a sub-area and specifically Great Yarmouth and Gorleston-on-Sea which has no identified allocated mineral.

This would enable the mineral planning authority to react to a landbank shortfall in a sub-area and avoid the need for transportation from one sub-area to another, with its associated carbon emissions. This would bring the Plan into line with policy and the global climate emergency.

Change suggested by respondent: Remove all reference to examples of potential overriding planning reasons to allow extraction on unallocated sites where all other policy requirements are met or alternatively, amend to include an additional overriding planning reason, i.e. a shortfall of aggregate supply in a sub-area such as the Great Yarmouth and Gorleston-on-Sea which has no identified allocated mineral.

NCC Planning Officer comments: We do not consider it appropriate to include the specific circumstance of a shortfall of aggregate supply in a sub-area because 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. Survey data supplied by mineral operators is only at the County level, so we do not hold any data on the movement of sand and gravel within Norfolk. In addition, whilst there are no allocated sites for mineral extraction within the Great Yarmouth Borough Council area, allocated site MIN 25 at Haddiscoe is less than 7 miles from Great Yarmouth and existing Norton Subcourse Quarry is located less than 8 miles from Great Yarmouth, in addition to the existing Folkes Plant and Aggregates Ltd mineral site at Welcome Pit with the Great Yarmouth Borough Council area. Whilst proposed modification MM44 does not include that specific circumstance of a shortfall of aggregate supply in a sub-area, it instead provides greater flexibility by stating that the examples of potential

overriding planning reasons for mineral extraction to occur on unallocated sites are not limited to the circumstances listed in the paragraph. We do not consider it beneficial or appropriate to remove all reference to specific circumstances as the modification MM44 does not limit applications to the specific circumstances listed in paragraph MP1.25.

Modification reference: **MM44** **Paragraph MP1.25**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Object Rep ID: 99604

Summary: Breedon objects to this Main Modification MM44. MM44 is not positively prepared and is not consistent with national policy.

Breedon has set out that further flexibility is required to respond to increasing demand for sand and gravel. Indeed the Inspector asked NCC at the EIP to add examples of overriding planning reasons to provide flexibility to respond to changes in demand. MM44 does not provide examples of scenarios where there would be overriding planning reasons due to increase growth or demand rather isolated examples which might coincidentally increase supply. Breedon does not consider that NCC has met the Inspector's request. The NCC examples given, agricultural irrigation schemes and extraction prior to sterilisation are windfall sites, where prior extraction can take place rather than the mineral extracted to meet overriding need or public benefit.

To reflect Paragraph 226 of the NPPF and Footnote 79 Breedon suggest MM44 is amended to include additional overriding planning reasons.

This is especially pertinent given the recent publication of the NPPF and the delivery of 1.5 million homes and increased growth and development aspirations. This is not considered by the current LAA (notwithstanding our concern that the Plan does not fully consider demand outlined in the LAA) therefore it is essential that increased flexibility is introduced into the supporting text of MP1 because demand for sand and gravel is likely to increase significantly.

Change suggested by respondent: To reflect Paragraph 226 of the NPPF and Footnote 79 Breedon suggest MM44 is amended as follows to include additional overriding planning reasons:

"Examples of potential overriding planning reasons for mineral extraction to occur on unallocated sites may occur include, but are not limited to in relation to:

- Agricultural irrigation reservoirs - where mineral is extracted and exported to create the reservoir landform,
- Borrow pits - where extraction takes place over a limited period for the exclusive use of a specific construction project such as for a specific road scheme,
- Prior extraction to prevent mineral sterilisation - this may be required on occasions where significant development takes place (on a site of over 2 hectares) and where a workable mineral resource could otherwise be permanently lost through sterilisation.,
- [insert: Conclusions of the latest annual local aggregate assessment identifying a shortage of sand and gravel supply,
- Significant forecasted growth due to levels of planned construction and house building,
- Insufficient production capacity of other permitted sites.]"

NCC Planning Officer comments: It is not considered that the additional wording proposed by the respondent is required for the Plan to be consistent with national policy. Firstly, the examples given in the Plan are not restrictive because the proposed modification includes the text '... include, but are not limited to...' when referring to the examples. Secondly, some of the additional wording proposed by the respondent duplicates requirements within the preparation of a Local Aggregate Assessment (LAA). It is part of the LAA to assess forecast aggregate demand because of proposed economic growth and so would already be included as part of the conclusion of an LAA.

The NPPG is clear that the LAA is principally a monitoring tool to determine whether a review of the plan is required should a shortage of aggregate supply occur, but the NPPG does also state that the shortage of supply may be factor in determining whether applications for aggregate extraction should be viewed favourably. Therefore, it is not necessary for this to be duplicated within the Plan.

Few mineral extraction sites are limited to a maximum production capacity by condition and operators do not normally provide maximum productive capacity of their plants to the Mineral Planning Authority. Therefore, any argument made by an applicant that the production capacity of other sites operated by different mineral companies was insufficient may well be subject to significant challenge based on a lack of evidence.

The text of the NM&WLP together with the proposed MM43 and MM44 would allow an applicant to put forward any argument regarding the need for a proposed development as a result of any number of potential overriding planning reasons, but it would be for the applicant to make and justify such reasons.

Modification reference: **MM45** **Paragraph MP1.26**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99606

Summary: Breedon has no objection to this Main Modification MM45.

NCC Planning Officer comments: Noted

Modification reference: **MM44** **Paragraph MP1.25**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object **Rep ID: 99625**

Summary: We believe the identification of overriding planning reasons should be broadened to reflect spatial planning issues and planning policy requirements.

Change suggested by respondent: Amend the wording to include

- *Agricultural irrigation reservoirs - where mineral is extracted and exported to create the reservoir landform,*
- *Borrow pits - where extraction takes place over a limited period for the exclusive use of a specific construction project such as for a specific road scheme,*
- *Prior extraction to prevent mineral sterilisation - this may be required on occasions where significant development takes place (on a site of over 2 hectares) and where a workable mineral resource could otherwise be permanently lost through sterilisation.*
- ***[Insert: Conclusions of the latest annual Local Aggregate Assessment identifying a shortage of sand and gravel supply,***
- ***Significant forecasted growth due to levels of planned construction, house building and or infrastructure development,***
- ***Insufficient production capacity of other permitted sites.]”***

NCC Planning Officer comments: Please refer to the response to representation 99604.

Modification reference: **MM46 Paragraph MP2.1**

No representations received on MM46.

Modification reference: **MM47** Paragraph **MP2.4**

Respondent: **Sibelco UK Ltd** (Mr David Walton, Head of Planning and Estates) [21989]

Representation received: Object Rep ID: 99584

Summary: The proposed additional wording is ill placed and appears designed to cause confusion rather than address the Inspector's comments and those of Sibelco at the Hearings. In particular the placement in brackets of "(or another silica sand processing plant in Norfolk if one was to be built)" is nonsensical and doesn't link to the remainder of the sentence or point that is attempting to be made. This goes against the discussions and representations at the Hearings. It still tries to impose a restrictive hierarchy in terms of extraction of silica sand at new sites. At the Hearings it was clear that a new processing plant may be required to come forward due to the mineral only being able to be worked where it is found and that an amended Policy MPSS1 would have the hierarchy of controls to ensure only applications that do not have demonstrable significant impacts on the environment will achieve planning consents.

There is no basis or justification for imposing this restriction as a new mineral site could be a significant distance from the Leziat 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.

We suggest the Planning Inspector amends the wording of this paragraph to something which better represents the positive approach required by the NPPF and will make the plan sound.

NCC Planning Officer comments: The proposed modification MM47 inserts reference to a potential silica sand processing plant in Norfolk if one was to be built in the future. The proposed modification states that the spatial preference is for new silica sand extraction sites to be able to access either the current processing plant site, or a new processing plant site and a railhead via conveyor, pipeline or off-public highway haul routes. Therefore, both the existing and any new processing plant site are treated equally in the paragraph in terms of spatial preference. As silica sand requires significant processing to be marketable, a preference for extraction sites that can appropriately access a processing plant is considered reasonable, and the proposed modification allows for the potential of alternative processing plants to the existing site at Leziat.

Modification reference: **MM47** Paragraph **MP2.4**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99626

Summary: We believe the amended wording is overly restrictive linking future and lacks flexibility.

Change suggested by respondent: *"Silica sand is mostly exported out of Norfolk by train, for glass production elsewhere. [delete: Therefore,] within the confines of the available mineral resource, the spatial preference for new silica sand extraction sites is for sites which would be able to access the existing processing plant at Leziat (or another silica sand processing plant in Norfolk if one was to be built) and [insert: **where appropriate and practicable, the**] railhead via conveyor, pipeline or off-public haul routes. [insert: **However, it is recognised that minerals can only be worked where they are found and any proposals for a new silica sand site and processing plant will be considered on its merits in accordance with the policies of the plan.**] Whilst Policy MP2 identifies the overall spatial strategy for silica sand extraction, Policy MPSS1 sets out the detailed requirements for applications for silica sand extraction on unallocated sites to address."*

NCC Planning Officer comments: The Mineral Planning Authority does not consider the proposed modification is overly restrictive as the text expresses a preference for any potential new extraction site to link to a processing plant by means which reduce the impacts of transportation by HGV traffic to a minimum. However, this a preference not a restriction, contrary to the interpretation by the

respondent. The existing text already references the available mineral resource and therefore it is not considered that the amended wording proposed by the respondent is required.

Modification reference: **MM48 Paragraph MP2.6**

No representations received on MM48.

Modification reference: **MM49 Policy MP2. Spatial Strategy for Minerals Extraction**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Support Rep ID: 99555

Summary: We support the inclusion of irreplaceable habitat.

NCC Planning Officer comments: Support noted.

Modification reference: **MM49 Policy MP2. Spatial Strategy for Minerals Extraction**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99573

Summary: We welcome the additional reference to conservation areas and also clarification with regard to significance and setting.

NCC Planning Officer comments: Noted.

Modification reference: **MM49 Policy MP2. Spatial Strategy for Minerals Extraction**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99627

Summary: As referenced above, the spatial element is overly restrictive.

Change suggested by respondent: The wording should be amended to read:

*“Within the resource area identified on the key diagram, or in other locations where borehole data is submitted to demonstrate a viable silica sand resource, specific sites for silica sand should be located where they are able to access the existing processing plant at Leziate (or another processing plant in Norfolk if one was to be built) and [insert: **where appropriate and practicable, the**] railhead via conveyor, pipeline or off-public highway haul route. [insert: **However, it is recognised that minerals can only be worked where they are found and any proposals for a new silica sand site and processing plant will be considered on its merits in accordance with the policies of the plan.**]”*

NCC Planning Officer comments: The existing text, together with the proposed modification MM49, makes suitable reference to the identified mineral resources as shown on the Key Diagram, or in other locations where these are supported by submitted borehole data to demonstrate a viable resource. To minimise potential highway impacts associated with the transportation of silica sand via HGVs, it is appropriate that the policy states that extraction sites should be located where they can access a processing plant and railhead via conveyor, pipeline or off-public highway routes. Therefore, it is not considered that the amended text suggested by the respondent is necessary to make the Plan sound or legally compliant.

Modification reference: **MM50** **Policy MPSS1. Silica Sand Extraction Sites**

Respondent: **Anglian Water** (Tessa Saunders, Spatial and Strategic Planning Manager – Sustainable Growth) [21901]

Representation received: Support Rep ID: 99590

Summary: Anglian Water **supports** the modification to Policy MPSS1 requirement (i) to ensure appropriate measures are taken regarding the protection of our assets.

NCC Planning Officer comments: Support noted.

Modification reference: **MM50** **Policy MPSS1. Silica Sand Extraction Sites**

Respondent: **Sibelco UK Ltd** (Mr David Walton, Head of Planning and Estates) [21989]

Representation received: Object Rep ID: 99585

Summary: The amended wording is not justified, inconsistent with national policy and not positively prepared. It doesn't reflect the evidence presented at the hearings and identified by the Planning Inspector.

Change suggested by respondent: We suggest that sub-clause A is amended to read:

“(a) To address the shortfall in silica sand supply to meet the requirements of the NPPF”

We suggest Sub Clause (M) is deleted as this is an attempt to limit silica sand production to one processing site and this is not in accordance with the NPPF. Transport impacts of any future site should be subject to sub-clause (N) which required the submission of an acceptable Transport Statement or Assessment.

NCC Planning Officer comments: The Mineral Planning Authority disagrees with the representation above. The amended wording does not limit silica sand production to one processing site. The proposed modification wording to requirement (m) introduces greater flexibility by only referring to the existing processing plant in terms of a preferred highway route. For access by other means (conveyor, pipeline or off-public highway routes) the policy now refers to accessing the processing plant and railhead instead of only referring to the existing processing plant. Policy requirement (a) also introduces additional flexibility by referring meeting the requirements of the existing processing plant in Norfolk and/or a new processing plant in Norfolk if one was built, instead of only referring to the existing processing plant. Sibelco did not make any representations about the wording of requirement (m) of Policy MPSS1 at the Regulation 19 stage.

Modification reference: **MM50** **Policy MPSS1. Silica Sand Extraction Sites**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99628

Summary: The proposed amendment (i) errs in law. It is not for the planning system to state who will be required to pay for water main or sewer diversions. This will be a commercial decision between two private companies and dependant upon any wayleave or easement requirements.

Proposed amendment (m) is too prescriptive. Our proposed amendment also makes more sense in light of the second sentence. In addition, surely a right turn lane would be dependent upon the source of sand supply:

Change suggested by respondent: Amend the text (l) to read: *"A sufficient stand-off distance around any water main or foul sewer that crosses the site or diversion of the water main/sewer [delete: at the developer's cost and] to the satisfaction of [insert: **the utility provider.**] [delete: Anglian Water]"*

Amend the text (m) to read: *"The processing plant and railhead should [insert: **, where appropriate and practicable,**] be accessed via conveyor, pipeline or off-public haul routes. However, if silica sand is proposed to be transported to the existing processing plant at Leziate 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. A right-turn lane at the junction with the B1145 [delete: would probably] [insert: **may**] be required to provide a suitable junction."*

NCC Planning Officer comments: The main modification to policy requirement (l) is to include the potential for foul sewers to also cross potential mineral extraction sites. The submitted NM&WLP included the same policy requirement, but only regarding water mains. The principle that a standoff or diversion be at the developer's cost has been widely accepted and is contained within the adopted Plan (Policies MIN 96 and MIN 06), and this particular issue was not raised in the Publication stage representations or at the examination hearings. Anglian Water has responded to previous stages of the plan indicating that they would object to proposed sites where such a provision was not included. If a landowner wishes to bring a wayleave agreement to an end prior to a proposal for mineral extraction, then the provisions for doing so would be included in that agreement together with who would have liability for costs.

The main modification to policy requirement (m) does not change the sentence regarding the provision of a right-hand turn lane at the junction with the B1145. As the policy wording is currently that 'a right-hand turn lane at the junction with the B1145 would probably be required to provide a suitable junction' we consider that this provides sufficient flexibility for a decision to be made based on the details of a specific planning application. To minimise potential highway impacts associated with the transportation of silica sand via HGVs, it is appropriate that the policy states that the processing plant and railhead should be accessed via conveyor, pipeline or off-public highway routes. Therefore, it is not considered that the amended text suggested by the respondent is necessary to make the Plan sound or legally compliant.

Modification reference: **MM51** **New paragraph after existing paragraph MP5.4**

No representations received on MM51

Modification reference: MM52 **Policy MP5. Core River Valleys**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Comment Rep ID: 99556

Summary: We recommend including 20% BNG (see our comments relating to MM01).

NCC Planning Officer comments: Noted. See response to representation 99547 (MM01) above regarding the suggested 20% BNG target.

Modification reference: MM52 **Policy MP5. Core River Valleys**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Object Rep ID: 99574

Summary: In the second bullet point the introduction of the words 'where appropriate' changes the meaning of the previous draft policy and waters it down. Therefore, we advise that the words 'where appropriate' should be deleted.

NCC Planning Officer comments: The proposed modification is the result of discussion, at the examination hearings, that it may not be possible for a proposed development to enhance the historic environment in all circumstances, due to the location of a proposed development in relation to heritage assets. Therefore, it was suggested at the examination hearings, that the wording 'where appropriate' be added to the policy.

Modification reference: **MM53** **New paragraph after paragraph MP7.2**

No representations received on MM51

Modification reference: MM54 **Policy MP7. Progressive Working, Restoration and Afteruse**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglinton, Planning and Advocacy Advisor) [21991]

Representation received: Comment Rep ID: 99557

Summary: We support the inclusion of the LNRS. We recommend 20% BNG target (see our comments relating to MM01).

NCC Planning Officer comments: Noted. See response to representation 99547 (MM01) above regarding the suggested 20% BNG target.

Modification reference: MM54 **Policy MP7. Progressive Working, Restoration and Afteruse**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99575

Summary: We welcome the reference to historic landscape characterisation.

NCC Planning Officer comments: Noted.

Modification reference: **MM54** **Policy MP7. Progressive Working, Restoration and Afteruse**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99607

Summary: Breedon has no objection to this Main Modification MM54. It should be noted that measurable 10% biodiversity gain will not need to use the biodiversity net gain matrix calculator where the development proposal is exempt from BNG under the BNG Regulations.

NCC Planning Officer comments: Norfolk County Council's adopted 'National and Local Validation Requirements for Minerals and Waste Planning Applications' (2023) states that if there is a development plan policy requirement the Biodiversity Metric (or subsequent updated version) is required to demonstrate a net gain. Therefore, if Policy MP7 applies to the proposed development, then the Biodiversity Metric would need to be used to demonstrate measurable 10% BNG to meet the local validation requirements, even if the development proposal is exempt from the BNG requirements under the BNG Regulations (for example some variations of planning permission).

Modification reference: **MM54** **Policy MP7. Progressive Working, Restoration and Afteruse**

Respondent: **Environment Agency** (Mr Harry Skinner, Sustainable Places – Planning Advisor) [22001]

Representation received: Comment Rep ID: 99647

Summary: This is unlikely to be the correct time to suggest inclusion of additional changes, but the lack of reference to subsurface conditions in MP7 could be considered for inclusion at the next review. Post-works remediation needs to consider the subsurface and groundwater environments in that it should be restored to reflect the pre-works hydrogeological conditions.

NCC Planning Officer comments: Noted. The Environment Agency did not make any representations in response to the Regulation 19 stage and did not raise this issue in their responses to either of the Regulation 18 stages.

Modification reference: **MM55** **Paragraph MP8.1**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99608

Summary: Breedon has no objection to this Main Modification MM55.

NCC Planning Officer comments: Noted

Modification reference: MM56 Paragraph MP8.3

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Support

Rep ID: 99558

Summary: We support the new text and welcome the recognition that restoration schemes for biodiversity are likely to require aftercare of more than 5 years.

NCC Planning Officer comments: Support noted.

Modification reference: MM56 Paragraph MP8.3

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment

Rep ID: 99609

Summary: Breedon has no objection to this Main Modification MM56.

NCC Planning Officer comments: Noted

Modification reference: MM56 Paragraph MP8.3

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99631

Summary: The proposed wording is cumbersome and non-compliant with the legislation. Planning conditions cannot be used to secure aftercare periods in excess of 5 years. The whole section requires re-writing.

NCC Planning Officer comments: In order to simplify the wording of paragraph MP8.3 and remove reference to the use of planning conditions in relation to aftercare periods in excess of 5 years, we propose to amend the paragraph as follows:

“Where the proposed afteruse is not agriculture, aftercare strategies covering a period of greater than 5 years may be required to ensure the successful establishment and maintenance of the approved afteruse. **A legal agreement will normally be used to secure the approved aftercare, an aftercare strategy of greater than five years, longer-term management where required, and the provision of an annual management report for the duration of the aftercare period.** Examples of afteruses that would be likely to require aftercare beyond 5 years include forestry and amenity (including biodiversity), such as restoration to heathland habitat or to species-rich grassland. The need for annual reports after the initial five-year period will be assessed on a case-by-case basis.”

Modification reference: MM57 Policy MP8. Aftercare

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment

Rep ID: 99610

Summary: Breedon has no objection to this Main Modification MM57.

NCC Planning Officer comments: Noted

Modification reference: **MM57** **Policy MP8. Aftercare**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99629

Summary: It is wholly acceptable to require a restoration strategy to agriculture, forestry, amenity by condition and not prior to determination.

Amend the text accordingly

NCC Planning Officer comments: The proposed modification MM57 is to differentiate between the timescales to be covered by an outline aftercare strategy, dependent on whether the proposed restoration is to agriculture or not. Therefore, the proposed modification does not significantly change or increase the policy requirement contained in the submitted NM&WLP. The Mineral Products Association did not make any representations about Policy MP8 at the Regulation 19 stage. It is considered appropriate to have an outline of the restoration and aftercare strategy as part of the determination process for a planning application for mineral extraction. Norfolk County Council's adopted 'National and Local Validation Requirements for Minerals and Waste Planning Applications (2023)' requires the submission of restoration strategy and long-term management plan for an aftercare period beyond 5 years. Policy MP8 states that the requirement for the detailed aftercare strategy would be secured by planning condition and/or longer-term planning obligations dependent on the proposed afteruse.

Modification reference: **MM58** **Paragraph MP11.4**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99611

Summary: Breedon has no objection to this Main Modification MM58.

NCC Planning Officer comments: Noted

Modification reference: **MM59** **Implementation, Monitoring and Review table**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Support Rep ID: 99559

Summary: We support the inclusion of the new target relating to climate change.

NCC Planning Officer comments: Support noted.

Modification reference: **MM60** **Mineral extraction sites - sand and gravel table**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99612

Summary: Breedon has no objection to this Main Modification MM60.

NCC Planning Officer comments: Noted

Modification reference: **MM61** **Mineral extraction sites – Carstone table**

No representations received on MM61.

Modification reference: **MM62** **Mineral extraction sties – silica sand**

Respondent: **Mineral Products Association** (Mr Nick Horsley, Director of Planning, Industrial Minerals) [21998]

Representation received: Object Rep ID: 99630

Summary: As detailed above, there is a recognised shortfall in the forecast and the figures require amendment. The figure requires amendment to accord with the discussions and agreement at the EIP.

Change suggested by respondent: "These two sites would not meet the forecast need of [delete: **8.98**] [insert: **10.136**] million tonnes of silica sand during the plan period."

NCC Planning Officer comments: We do not consider that the silica sand forecast requires amendment. Please refer to our response to the MPA's representation 99623.

Modification reference: **MM63** **Policy MIN12. Land North of Chapel Lane, Beetley**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglinton, Planning and Advocacy Advisor) [21991]

Representation received: Support Rep ID: 99560

Summary: We welcome and support this addition.

NCC Planning Officer comments: Support noted.

Modification reference: **MM63** **Policy MIN12. Land North of Chapel Lane, Beetley**

Respondent: **Environment Agency** (Mr Harry Skinner, Sustainable Places - Planning Advisor) [22001]

Representation received: Support Rep ID: 99648

Summary: Generally, the inclusion of conditions that certain sand and gravel minerals sites are to be worked above the water table are something we support, as impacts to groundwater by quarried sites can be detrimental to groundwater dependent sites and watercourses in an already water-stressed area.

NCC Planning Officer comments: Noted

Modification reference: **MM63** **Policy MIN12. Land North of Chapel Lane, Beetley**

Respondent: **Water Management Alliance** (Eleanor Roberts, Senior Sustainable Development Officer) [21936]

Representation received: Comment Rep ID: 99565

Summary: Thank you for consulting the Water Management Alliance (WMA) on the Norfolk Minerals and Waste Local Plan: Publication of proposed Main Modifications and Additional Modifications. Parts of Norfolk coincide with parts of the Internal Drainage Districts (IDD) of the Broads (2006) Internal Drainage Board (IDB), King's Lynn IDB, Norfolk Rivers IDB and the Waveney, Lower Yare and Lothingland IDB, members of the WMA. Therefore, the Board's Byelaws apply to any development within a Board's area.

The principal function of the IDBs is to provide flood protection within the Board's area. Certain watercourses within the IDD receive maintenance by the Board. The maintenance of a watercourse by the IDB is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD. Main Rivers within the IDB are regulated by the Environment Agency. Therefore, I recommend that an applicant proposing a discharge or any other works affecting a main river to contact the Environment Agency.

The area outside the Boards' IDBs falls within the Boards' watershed catchments (meaning water from the site will eventually enter the IDD). The Board will comment on planning for all major developments (10 or more properties) within the IDD watershed that are likely to discharge surface water into a watercourse within the IDD. Under certain circumstances, some major developments outside the IDD boundary may also be regulated by the Board's byelaws. We request that the Board is consulted as any

planning application comes forward relating to any of the identified allocation sites. For any development site, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy [<https://www.gov.uk/guidance/flood-risk-and-coastal-change>].

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. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

Please see the list overleaf of the proposed sites for development which we consider may impact a Board's area. The Board would seek to comment on these should they come forward for planning permission, alongside an explanation of any potentially required consents should these sites be developed. Please note that this list is not exhaustive and the Board may or may not choose to comment on additional site allocations if and when more information is presented.

MIN 12 – near Norfolk Rivers IDD

MIN 08, MIN 51 and MIN 13 – near Norfolk Rivers IDD

MIN 64 – near Norfolk Rivers IDD

MIN 37 – near Norfolk Rivers IDD

MIN 65 – near Norfolk Rivers IDD

MIN 96 – near Norfolk Rivers IDD

MIN 202 – near Norfolk Rivers IDD

MIN 06 – near King's Lynn IDD

MIN 40 – adjacent to King's Lynn IDD

SIL01 – near King's Lynn IDD

MIN 115 - near Norfolk Rivers IDD

MIN 25 – near Waveney, Lower Yare and Lothingland IDD

Minerals and waste works close to a Board's boundary may impact the IDD either directly or indirectly, therefore the Board would comment to promote sustainable drainage. Consent may be required if a discharge is proposed to a Board's IDD.

For developments outside a Board's IDD but within its watershed catchment, where surface water discharges have the potential to indirectly affect the Board's IDD, we would offer the following advice:

- If it is proposed that a site disposes of surface water via infiltration, we recommend that the viability of this proposal is evidenced. As such we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.
- If it is proposed to discharge surface water or product of dewatering to a watercourse within the watershed catchment of the Board's IDD, we request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf], specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework). For further information regarding the Board's involvement in the planning process please see our Planning and Byelaw Strategy, available online. [additional advisory information included in full submission <https://norfolk.oc2.uk/admin/submission/30145/attachments>]

NCC Planning Officer comments: Noted. This representation does not raise any issues with the proposed modification. No comments.

Modification reference: **MM64** **Policy MIN51 / MIN13 / MIN08. Land West of Bilney Road, Beetley**

Respondent: **Norfolk Wildlife Trust** (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Support Rep ID: 99561

Summary: We welcome and support this addition.

NCC Planning Officer comments: Support noted.

Modification reference: **MM64** **Policy MIN51 / MIN13 / MIN08. Land West of Bilney Road, Beetley**

Respondent: **Water Management Alliance** (Eleanor Roberts, Senior Sustainable Development Officer [21936])

Representation received: Comment Rep ID: 99566

Summary: Thank you for consulting the Water Management Alliance (WMA) on the Norfolk Minerals and Waste Local Plan: Publication of proposed Main Modifications and Additional Modifications. Parts of Norfolk coincide with parts of the Internal Drainage Districts (IDD) of the Broads (2006) Internal Drainage Board (IDB), King's Lynn IDB, Norfolk Rivers IDB and the Waveney, Lower Yare and Lothingland IDB, members of the WMA. Therefore, the Board's Byelaws apply to any development within a Board's area.

The principal function of the IDBs is to provide flood protection within the Board's area. Certain watercourses within the IDD receive maintenance by the Board. The maintenance of a watercourse by the IDB is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD. Main Rivers within the IDB are regulated by the Environment Agency. Therefore, I recommend that an applicant proposing a discharge or any other works affecting a main river to contact the Environment Agency.

The area outside the Boards' IDDs falls within the Boards' watershed catchments (meaning water from the site will eventually enter the IDD). The Board will comment on planning for all major developments (10 or more properties) within the IDD watershed that are likely to discharge surface water into a watercourse within the IDD. Under certain circumstances, some major developments outside the IDD boundary may also be regulated by the Board's byelaws. We request that the Board is consulted as any planning application comes forward relating to any of the identified allocation sites. For any development site, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy [<https://www.gov.uk/guidance/flood-risk-and-coastal-change>].

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. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

Please see the list overleaf of the proposed sites for development which we consider may impact a Board's area. The Board would seek to comment on these should they come forward for planning permission, alongside an explanation of any potentially required consents should these sites be developed. Please note that this list is not exhaustive and the Board may or may not choose to comment on additional site allocations if and when more information is presented.

MIN 12 – near Norfolk Rivers IDD

MIN 08, MIN 51 and MIN 13 – near Norfolk Rivers IDD

MIN 64 – near Norfolk Rivers IDD

MIN 37 – near Norfolk Rivers IDD

MIN 65 – near Norfolk Rivers IDD

MIN 96 – near Norfolk Rivers IDD

MIN 202 – near Norfolk Rivers IDD

MIN 06 – near King’s Lynn IDD

MIN 40 – adjacent to King’s Lynn IDD

SIL01 – near King’s Lynn IDD

MIN 115 - near Norfolk Rivers IDD

MIN 25 – near Waveney, Lower Yare and Lothingland IDD

Minerals and waste works close to a Board’s boundary may impact the IDD either directly or indirectly, therefore the Board would comment to promote sustainable drainage. Consent may be required if a discharge is proposed to a Board’s IDD.

For developments outside a Board’s IDD but within its watershed catchment, where surface water discharges have the potential to indirectly affect the Board’s IDD, we would offer the following advice:

- If it is proposed that a site disposes of surface water via infiltration, we recommend that the viability of this proposal is evidenced. As such we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.

- If it is proposed to discharge surface water or product of dewatering to a watercourse within the watershed catchment of the Board’s IDD, we request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf], specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board’s Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework). For further information regarding the Board’s involvement in the planning process please see our Planning and Byelaw Strategy, available online. [additional advisory information included in full submission <https://norfolk.oc2.uk/admin/submission/30145/attachments>]

NCC Planning Officer comments: Noted. This representation does not raise any issues with the proposed modification. No comments.

Modification reference: **MM65** **Paragraph M96.4**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99576

Summary: We welcome the proposed modification to Paragraph M96.4 to clarify what mitigation measures are required at Grange Farm, Spixworth to protect the setting of nearby listed building following the recommendations of the HIA.

NCC Planning Officer comments: Noted

Modification reference: **MM66** **Policy MIN 96. Land at Grange Farm, Spixworth**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99577

Summary: We welcome the proposed modification to clarify what mitigation measures are required at Grange Farm, Spixworth to protect the setting of nearby listed buildings following the recommendations of the HIA.

NCC Planning Officer comments: Noted

Modification reference: **MM67** **Policy SIL01. Land at Mintlyn South, Bawsey**

Respondent: **Historic England** (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99578

Summary: We welcome the proposed modification to Policy SIL01 to make reference to the listed font nearby.

NCC Planning Officer comments: Noted

Modification reference: **MM68** **Paragraph M25.1**

Respondent: Haddiscoe Parish Council (Cllr Chris Chidgey, Chairman) [22000]

Representation received: Object Rep ID: 99636

Summary: NCC M&WP development methodology is significantly flawed, as it relies exclusively on Developers to propose sites. Where sites are proven to be unsuitable or have even been rejected by the Councils own Planning Committee, NCC continue to be developer led and inflexible in the identification of other sites. Other Councils (e.g. Suffolk and Essex County Council) seek landowners directly to propose sites at the start of their planning process, proactively seek out potential sites and therefore cast the net wider in the identification of potential sites.

MIN 25 is unsuitable as it is on the boundary of the Broadlands National Park and causes substantial harm to two Grade 1 listed National Treasure (St Mary's and St Matthias Churches). It also sits on the North East boundary of the settlement of Haddiscoe and is too close to residents houses. Heritage England have raised significant concerns with the development of this site. The Broads Authority have stated "Although just outside the BA boundary, the proximity, scale and nature of the proposals in the context of a sensitive landscape mean that there would be some adverse effects on the Broads"

At the NCC Planning Meeting on the 24th May, members of the committee unanimously rejected the site and request that the site be declared as "unsuitable". They were advised not to by the NCC Planning Officer. Given at least 3 other sites were declared unsuitable, given the significant issues with MIN25, these should now be revisited, and other potential sites reviewed by NCC.

NCC Planning Officer comments: The NM&WLP process started with a public 'call for sites' in 2017 for potential mineral extraction sites. Landowners, agents and mineral operators were invited to submit potential sites for consideration. All the sites submitted in response to the 'call for sites' with the required supporting information, including landowner agreement, were included in the Initial Consultation document in 2018. In order to be reasonably deliverable, it is necessary for potential mineral extraction sites to be supported by a mineral operator. The process followed by Norfolk County Council is very similar to the approach taken by other Mineral Planning Authorities.

The Sustainability Appraisal, Habitats Regulations Assessment, Heritage Impact Assessment and the submission version of the NM&WLP all assess the potential impacts of mineral extraction at site MIN25. The potential impacts of mineral extraction at proposed site allocation MIN 25 were also discussed during the examination hearing sessions. In their representation regarding site MIN 25, at the Publication stage of the NM&WLP, Historic England did not state that substantial harm would occur to the Churches of St. Mary or St. Matthais. Nor did Historic England state that substantial harm would occur when responding to the planning application on MIN 25 (dated 20 February 2023); they instead stated that 'less than substantial harm' would occur to the Church of St. Mary and did not make such a comment regarding the Church of St. Matthais.

The recording of the Planning (Regulatory) Committee shows that Members were asked, by the Head of Planning, to clarify whether they were concerned about what the applicant had submitted or about intrinsic matters of the site. The Planning (Regulatory) Committee were not advised not to declare the site unsuitable. The Planning (Regulatory) Committee were considering the specific planning application proposal (reference FUL/2022/0056), rather than the site as a potential allocation. While the application was refused by the Planning (Regulatory) Committee, this decision was against officer

recommendation and the applicant has now lodged an appeal with the Planning Inspectorate regarding the refusal to grant planning permission.

All sites submitted to Norfolk County Council as potential site allocations for mineral extraction have been assessed through the Sustainability Appraisal and within earlier Regulation 18 stages of the NM&WLP and the sites allocated in the submitted NM&WLP are concluded to be suitable.

Modification reference: **MM68**

Paragraph M25.1

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Object

Rep ID: 99613

Summary: Breedon objects to this as a Main Modification MM68. MM68 is not justified and is not consistent with national policy.

The Inspector requested an additional amendment (AM) was made to paragraph 180 to take account of the distance of the proposed extraction area from the dwellings (as set out in application FUL/2022/0056). In the EIP it was agreed that a buffer distance is not an appropriate measure and that the distance that extraction takes place from a sensitive receptor should be set out in accordance with the noise or air quality assessments and any mitigation measures. Continuing use of arbitrary buffers is not justified and not consistent with the NPPF. The proposed MM70 wording of Site Specific Policy MIN 25a below reflects this as the buffer distance has been removed. MM68 should be amended in a similar fashion.

In addition, Breedon considers that the Council should remove reference to numbers of sensitive receptors as this will vary according to the planning application submitted and the design of the scheme.

Change suggested by respondent: As such Breedon request that MM68 is further amended as follows:

"The nearest residential property is 19m from [insert: MIN 25] site boundary. There are 55 sensitive receptors within 250m of the [insert: allocation] site boundary, [insert: as shown on MIN25 Proposals Plan], and 15 of these are within 100m of the site boundary. Many of these properties are within the settlement of Haddiscoe, which is 55m away. [delete: However, the site proposer has stated that land within 100 metres of the nearest sensitive receptors will not be extracted. Therefore, there are 47 sensitive receptors (buildings) within 250m of the proposed extraction area and none within 100m of the proposed extraction area]. Even without mitigation, adverse dust impacts from sand and gravel sites are uncommon beyond 250m from the nearest dust generating activities. The greatest impacts will be within 100 metres of a source, if uncontrolled. [delete: The operational area of the site would need to be set back approximately 100 metres from the nearest residential properties.] Any planning application for mineral extraction at the site would need to include noise and dust assessments and mitigation measures to deal appropriately with any amenity impacts."

NCC Planning Officer comments: The modifications suggested by the respondent, to the first two sentences of paragraph M25.1, are not necessary because the whole section is regarding the site allocation MIN 25 and it is written in the same format as the amenity sections for all other allocated sites.

The proposed modification MM68 does remove the requirement for the operational area of the site to be set back approximately 100 metres from the nearest sensitive properties.

The text inserted by MM68 reflects the statement made by Breedon as the site proposer and applicant, in their Regulation 25 response (October 2023) for planning application FUL/2025/0056 for mineral extraction on site MIN25, that there will be "a 100m excavation boundary stand-off from the boundary of sensitive residential properties". Planning application FUL/2022/0056 was refused by Norfolk County Council's Planning (Regulatory) Committee in May 2024 and the refusal to grant planning permission is currently being appealed.

It is appropriate to include information within paragraph M25.1 on the number of sensitive receptors within 250m of the proposed extraction area, where this is different to the site allocation boundary. This approach is consistent with information contained in the amenity section for other allocated sites where information has been provided by the site proposer, either through the NM&WLP process or through a planning application, on a proposed extraction area boundary that is different to the site allocation boundary.

Modification reference: **MM69** **Paragraph M25.23**

Respondent: Haddiscoe Parish Council (Cllr Chris Chidgey, Chairman) [22000]

Representation received: Object Rep ID: 99637

Summary: NCC M&WP development methodology is significantly flawed, as it relies exclusively on Developers to propose sites. Where sites are proven to be unsuitable or have even been rejected by the Councils own Planning Committee, NCC continue to be developer led and inflexible in the identification of other sites. Other Councils (e.g. Suffolk and Essex County Council) seek landowners directly to propose sites at the start of their planning process, proactively seek out potential sites and therefore cast the net wider in the identification of potential sites.

MIN 25 is unsuitable as it is on the boundary of the Broadlands National Park and causes substantial harm to two Grade 1 listed National Treasure (St Mary's and St Matthias Churches). It also sits on the North East boundary of the settlement of Haddiscoe and is too close to residents houses. Heritage England have raised significant concerns with the development of this site. The Broads Authority have stated "Although just outside the BA boundary, the proximity, scale and nature of the proposals in the context of a sensitive landscape mean that there would be some adverse effects on the Broads"

At the NCC Planning Meeting on the 24th May, members of the committee unanimously rejected the site and request that the site be declared as "unsuitable". They were advised not to by the NCC Planning Officer. Given at least 3 other sites were declared unsuitable, given the significant issues with MIN25, these should now be revisited, and other potential sites reviewed by NCC.

NCC Planning Officer comments: Please refer to the response to representation 99636 on MM68.

Modification reference: **MM69** **Paragraph M25.23**

Respondent: Norfolk Wildlife Trust (Dr S Eglington, Planning and Advocacy Advisor) [21991]

Representation received: Support Rep ID: 99562

Summary: We support the inclusion of the text requiring boundary features such as hedges to be retained.

NCC Planning Officer comments: Support noted

Modification reference: **MM69** **Paragraph M25.23**

Respondent: Historic England (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99579

Summary: Although we continue to have concerns regarding the impact of the proposed development on the Grade I listed Haddiscoe Church and other heritage assets, we welcome the proposed modification to paragraph M25.23 in relation to site restoration.

NCC Planning Officer comments: Noted

Modification reference: **MM69** **Paragraph M25.23 Restoration**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Object Rep ID: 99614

Summary: Breedon object to this Main Modification MM69. MM69 is not justified this is because as the supporting text makes clear the allocated site is part of a 20th-century agricultural landscape. Indeed, the boundary hedgerows which the text seeks to retain under historic field boundaries were planted in the last 30 years. NCC need to clarify with Historic England, whom are behind the suggested modification, from which century they wish to see hedgerows re-established within the site. NCC needs to identify and understand which historic landscape hedgerows they want reinstated and what the benefits would be, before including the above wording. Breedon considers reinstatement of certain historic hedgerows may have disadvantages, that have not been considered by the council, such as blocking views from Bridleway BR5.

Change suggested by respondent: Breedon suggests that the paragraph text is amended and replaced with the following to read:

“Restoration shall include the retention of boundary hedgerows and trees and [delete: the reinstatement of historic hedgerows and field boundaries informed by Historic Landscape Characterisation] [insert: shall include additional hedgerows and planting. Any restoration planting shall be informed by national and local biodiversity strategies, local landscape and historic landscape characterisation, where appropriate.]”

NCC Planning Officer comments: The proposed modification should be seen as two strands regarding retention and re-instatement. Firstly, the retention of the existing boundary hedgerows and trees, which were planted in the last thirty years but are on a historic boundary to the larger land parcel which forms the allocation site. Secondly the re-instatement of historic hedgerows and field boundaries subdividing the allocation site, which are shown on historic mapping and aerial photography (publicly viewable at the [Norfolk Historic Map Explorer](#)). It was the removal of these hedgerows and field subdivisions in the later 20th Century as a result of agricultural intensification which has resulted in the layout currently seen of the allocation site as a single field. While the re-instatement of the historic hedgerows would change the current views from certain points within the site, these would be more consistent with the way in which the historic environment has been viewed over time. As stated in the modification wording, the reinstatement of historic hedgerows and field boundaries would be informed by Historic Landscape Characterisation.

Modification reference: **MM70** **Policy MIN 25. Land at Manor Farm, Haddiscoe**

Respondent: **Haddiscoe Parish Council** (Cllr Chris Chidgey, Chairman) [22000]

Representation received: Object Rep ID: 99638

Summary: NCC M&WP development methodology is significantly flawed, as it relies exclusively on Developers to propose sites. Where sites are proven to be unsuitable or have even been rejected by the Councils own Planning Committee, NCC continue to be developer led and inflexible in the identification of other sites. Other Councils (e.g. Suffolk and Essex County Council) seek landowners directly to propose sites at the start of their planning process, proactively seek out potential sites and therefore cast the net wider in the identification of potential sites.

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At the NCC Planning Meeting on the 24th May, members of the committee unanimously rejected the site and request that the site be declared as “unsuitable”. They were advised not to by the NCC Planning

Officer. Given at least 3 other sites were declared unsuitable, given the significant issues with MIN25, these should now be revisited, and other potential sites reviewed by NCC.

NCC Planning Officer comments: Please refer to the response to representation 99636 on MM68.

Modification reference: **MM70** **Policy MIN 25. Land at Manor Farm, Haddiscoe**

Respondent: Haddiscoe Parish Council (Cllr Chris Chidgey, Chairman) [22000]

Representation received: Object Rep ID: 99639

Summary: NPPF (para 96c) states that planning decisions should support healthy lifestyles, especially where this would address identified local health and wellbeing needs.

MIN25/Crab Apple Lane site is on the boundary of the village of Haddiscoe and of all the sites proposed has the highest residential impact. NCC MIN25 Policies included a 100m stand-off area in recognition of this residential impact.

There are large uncertainties with dust assessments. The 100m buffer zone provides the residents with at least a definite level of protection, whereas a site-specific distance would be based on an assessment with a large amount of uncertainty attached to it.

IAQM guidance on the assessment of dust from demolition and construction (January 2024: Version 2.2 para 4.2.2), “according to MRI (2006) the overall fraction of PM2.5 in PM10 of construction emissions varies between 5% and 15%.

Given the settlement by the UK Government to Ella Adoo-Kissi-Debrah PM2.5 is a real issue and residents should be appropriately protected by a minimum of a 100m buffer to the curtilage/boundary of their properties as a matter of policy (which has been removed under the MM), not just to residential receptor buildings as stated in MM68.

NCC Planning Officer comments: The examination hearing session, regarding the proposed allocation of site MIN 25 at Haddiscoe, included discussion about policy requirement (a) in the submitted version of the Norfolk Minerals and Waste Local Plan (NM&WLP) which stated that “mitigation measures should include setting back the working area at least 100 metres from the nearest residential properties”. However, it was determined at the examination hearing that this was an indicative distance based on general guidance [Institute of Air Quality Management ‘Guidance on the Assessment of mineral dust impacts for planning’] and not on the results of a detailed site-specific assessment. Policy requirement (a) was also not consistent with the approach taken in the policies for other allocated mineral extraction sites in the submitted NM&WLP. Therefore, main modification MM70 has been proposed to require any standoff distance between the working area and sensitive receptors to air quality, noise and other amenity impacts, to be based on the findings of those assessments, which would be for a specific development proposal on the site. As such, assessments would be carried out by a competent professional in air quality management and be reviewed by an Environmental Health Officer. Guidance and legislation prevailing at that time would form the basis for assessment. No change to the proposed modification is required.

Modification reference: **MM70** **Policy MIN 25. Land at Manor Farm, Haddiscoe**

Respondent: Historic England (Debbie Mack, Historic Environment Planning Advisor) [17619]

Representation received: Comment Rep ID: 99580

Summary: Although we continue to have concerns regarding the impact of the proposed development on the Grade I listed Haddiscoe Church and other heritage assets, we welcome the proposed modification to Policy MIN25 in relation to site restoration.

NCC Planning Officer comments: Noted.

Modification reference: **MM70** **Policy MIN25 land at Manor Farm, Haddiscoe**

Respondent: **Breedon Trading Ltd** (Mr Lewis Williams, Planning and Estates Manager) [21996]

Representation received: Comment Rep ID: 99615

Summary: Breedon does not object to this Main Modification MM70 but suggests “where appropriate” is added after “Historic Landscape Characterisation”, such that the policy requirement (c) reads as follows:

“The submission of an acceptable phased working and progressive restoration scheme to a nature conservation after use, including retention of boundary hedgerows and trees, to provide landscape and biodiversity gains and the reinstatement of historic hedgerows and field boundaries informed by Historic Landscape Characterisation [insert: where appropriate]”.

NCC Planning Officer comments: The proposed modification does not require the inclusion of the wording ‘where appropriate’. The requirements are specific to the allocation site and not part of a general policy, and the inclusion of a policy requirement to reinstate historic hedgerows and field boundaries, informed by Historic Landscape Characterisation, are based on comments made by Historic England (please refer to document A18 Statement of Common Ground between Historic England and Norfolk County Council).

Modification reference: **MM70** **Policy MIN 25. Land at Manor Farm, Haddiscoe**

Respondent: **Water Management Alliance** (Eleanor Roberts, Senior Sustainable Development Officer [21936])

Representation received: Comment Rep ID: 99567

Summary: Thank you for consulting the Water Management Alliance (WMA) on the Norfolk Minerals and Waste Local Plan: Publication of proposed Main Modifications and Additional Modifications. Parts of Norfolk coincide with parts of the Internal Drainage Districts (IDD) of the Broads (2006) Internal Drainage Board (IDB), King’s Lynn IDB, Norfolk Rivers IDB and the Waveney, Lower Yare and Lothingland IDB, members of the WMA. Therefore, the Board’s Byelaws apply to any development within a Board’s area.

The principal function of the IDBs is to provide flood protection within the Board’s area. Certain watercourses within the IDD receive maintenance by the Board. The maintenance of a watercourse by the IDB is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD. Main Rivers within the IDB are regulated by the Environment Agency. Therefore, I recommend that an applicant proposing a discharge or any other works affecting a main river to contact the Environment Agency.

The area outside the Boards’ IDBs falls within the Boards’ watershed catchments (meaning water from the site will eventually enter the IDD). The Board will comment on planning for all major developments (10 or more properties) within the IDD watershed that are likely to discharge surface water into a watercourse within the IDD. Under certain circumstances, some major developments outside the IDD boundary may also be regulated by the Board’s byelaws. We request that the Board is consulted as any planning application comes forward relating to any of the identified allocation sites. For any development site, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance SuDS discharge location hierarchy [<https://www.gov.uk/guidance/flood-risk-and-coastal-change>].

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. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

Please see the list overleaf of the proposed sites for development which we consider may impact a Board’s area. The Board would seek to comment on these should they come forward for planning permission, alongside an explanation of any potentially required consents should these sites be

developed. Please note that this list is not exhaustive and the Board may or may not choose to comment on additional site allocations if and when more information is presented.

MIN 12 – near Norfolk Rivers IDD

MIN 08, MIN 51 and MIN 13 – near Norfolk Rivers IDD

MIN 64 – near Norfolk Rivers IDD

MIN 37 – near Norfolk Rivers IDD

MIN 65 – near Norfolk Rivers IDD

MIN 96 – near Norfolk Rivers IDD

MIN 202 – near Norfolk Rivers IDD

MIN 06 – near King’s Lynn IDD

MIN 40 – adjacent to King’s Lynn IDD

SIL01 – near King’s Lynn IDD

MIN 115 - near Norfolk Rivers IDD

MIN 25 – near Waveney, Lower Yare and Lothingland IDD

Minerals and waste works close to a Board’s boundary may impact the IDD either directly or indirectly, therefore the Board would comment to promote sustainable drainage. Consent may be required if a discharge is proposed to a Board’s IDD.

For developments outside a Board’s IDD but within its watershed catchment, where surface water discharges have the potential to indirectly affect the Board’s IDD, we would offer the following advice:

- If it is proposed that a site disposes of surface water via infiltration, we recommend that the viability of this proposal is evidenced. As such we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.
- If it is proposed to discharge surface water or product of dewatering to a watercourse within the watershed catchment of the Board’s IDD, we request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415773/sustainable-drainage-technical-standards.pdf], specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board’s Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 167 of the National Planning Policy Framework). For further information regarding the Board’s involvement in the planning process please see our Planning and Byelaw Strategy, available online. [additional advisory information included in full submission <https://norfolk.oc2.uk/admin/submission/30145/attachments>]

NCC Planning Officer comments: Noted. This representation does not raise any issues with the proposed modification. No comments.

Habitats Regulations Assessment

Respondent: **Environment Agency** (Mr Harry Skinner, Sustainable Places – Planning Advisor) [22001]

Representation received: Comment Rep ID: 99644

Summary:

- **“Policy WP15: Whitlingham Water Recycling Centre”** – This is unlikely to cause a LSE, as this is refining plans in the mid-term. The long term “masterplan” should not be scoped out entirely so as not to affect the HRA assessment. Given this is at such a high level, I would suggest it is likely that this hasn’t been scoped out, but the wording made this a little unclear
- **“Policy MP2: Spatial strategy for minerals extraction”** – New routes to gain access to existing processing plant must not cause further detriment to the surrounding environment, and thus affect the conclusions of the HRA. This change must adhere to policy MW1, because of this no LSE should occur
- **“MIN 200 in Carbrooke Extraction of sand and gravel: 4.47km to Norfolk Valley Fens SAC”** – This sand and gravel extraction is an increase of 100,000 tonnes (300,000 tonnes to 400,000 tonnes). This is an increase of 25%, and therefore this may have the potential to cause some impact. This increase may have potential implications for terrestrial habitats, and/or impact on the water table, and subsequent aquatic/wetland habitats, if this extraction extends beneath the water table or expands across a wider area. This is not in my area, and I do not have bespoke knowledge of the habitats that may be impacted. Other teams may be able to provide further information if this will cause a LSE
- **SIL 01 in Bawsey Extraction of silica sand 2.74km to Roydon Common Ramsar and Roydon Common and Dersingham Bog SAC** – This section states “*A modification is proposed to the policy wording regarding the information to be provided in a heritage statement. The modification does not change the site assessment in the HRA*”. The changes to the wording in this section of the policy are not given, so determination of the impacts cannot be made. As this change in the policies wording is in relation to the heritage statement, this shouldn’t impact the conclusions of the HRA and no LSE should occur to the designated conservation areas/protected species etc.

Norfolk Planning Officer comments: For Policy WP15 (MM28) the proposed modification to the policy wording is to state that any proposals for the WRC must be consistent with a ‘medium-term strategy’ instead of with a ‘longer-term masterplan’. We note that the Environment Agency agrees that this Main Modification is unlikely to cause a LSE.

For Policy MP2 (MM49) we note that the Environment Agency agree that no LSE should occur.

For site MIN 200 (MM60) the site boundary has not changed. The Environment Agency has referred in their representation to potential implications if the extraction extends beneath the water table or expands across a wider area. The site boundary has not changed from the Regulation 18 or Regulation 19 versions of the NM&WLP. The Specific Site Allocation Policy MIN 200 contains requirement (j) which requires the submission of an acceptable hydrological impact assessment to identify any potential impacts to groundwater and appropriate mitigation measures if required; and requirement (k) which states that the site must be worked dry (above the water table). Therefore, the increase in the estimated mineral resource within the site is concluded to have no LSE in the HRA.

For SIL 01 the proposed Main Modification to the policy wording is detailed in the proposed Main Modifications document as MM67. We note that the Environment Agency agree that the MM should not impact the conclusions of the HRA and no LSE should occur.