



Norfolk County Council

Norfolk County Council Minerals and Waste Local Plan 2021-2038

Statement of Common Ground between Norfolk Wildlife Trust and Norfolk County Council

April 2024



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Abbreviations

NM&WLP – Norfolk Minerals and Waste Local Plan

NPPF – National Planning Policy Framework

NPPG – National Planning Practice Guidance

NSPF – Norfolk Strategic Planning Framework

SoCG – Statement of Common Ground

WPA – Waste Planning Authority

1. Introduction

Section 110 of the Localism Act (2011) established a duty to cooperate in relation to Local Plans and sustainable development, or use of the land. The duty to cooperate requires cooperation during the preparation of development plan documents and other local development documents between relevant bodies. Paragraph 27 of the NPPF sets out the requirement to produce one or more Statement(s) of Common Ground to form part of the evidence required to demonstrate compliance with the duty to cooperate. Such a document should be a written record of the collaboration and progress made between authorities, detailing where agreement has been reached and where there are outstanding issues.

Since the launch of the Local Plan Review in 2017, Norfolk County Council, as the Minerals and Waste Planning Authority for Norfolk, engaged with statutory bodies in accordance with the requirements of the Duty to Cooperate. Strategic issues identified through this process, together with the outcomes of ongoing engagement with the relevant consultation bodies, are highlighted and summarised in the Duty to Co-operate Statement (June 2023).

At the Regulation 19 Pre-submission Local Plan representations stage, a draft Statement of Common Ground was published, which identifies the strategic cross-boundary issues associated with the Plan and shows where effective cooperation is (and if appropriate where it is not) being made on any issues. The Statement was updated and submitted as part of the examination library for the Minerals and Waste Local Plan, providing a narrative of where and how cooperation is being sought.

A Statement of Common Ground does not necessarily seek to achieve agreement on all strategic cross-boundary issues, however it is a way of showing that the council have identified all relevant strategic cross-boundary matters, and that agreement has been sought with others and that such relevant matters have been identified. It is how authorities can demonstrate that their plans are based on effective and ongoing cooperation and that they have sought to produce strategies that as far as possible are based on agreements with other authorities.

Purpose of this Document

This document is a bespoke Statement of Common Ground between Norfolk Wildlife Trust and Norfolk County Council only, which, in line with Planning Inspectorate Guidance, demonstrates the matters which have been highlighted, to show how much has been resolved. The issues and matters raised by Norfolk Wildlife Trust in the Regulation 19 stage only have been set out in this document, and an explanation and proposed resolution from Norfolk County Council for the outstanding issues set out for the parties to sign/ agree. The SOCG also sets out, if applicable, areas where agreement has not been possible. It is intended to provide clarity to the Inspector on the resolution of issues between the two parties.

National Planning Policy and legislation

The National Planning Policy Framework (NPPF, December 2023) and Localism Act 2011 requires all Local Planning Authorities (including Minerals and Waste Planning Authorities) to prepare a Statement of Common Ground alongside the production of their Local Plans.

For a Local Plan to be found 'sound', it must be:

- a) Positively prepared;
- b) Justified;
- c) Effective; and
- d) Consistent with national policy

For a Plan to be effective it must be:

"...deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground..." (NPPF Paragraph 35c)

The National Planning Practice Guidance (NPPG) defines a statement of common ground as:

“...a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries...” (NPPG Paragraph: 010 Reference ID: 61-010-20190315 Revision date: 15 03 2019)

Current [adopted Norfolk minerals and waste planning policy documents](#) (2010-2026)

The Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) (the ‘Core Strategy’) was adopted by Norfolk County Council in 2011. It contains policies to be used in the determination of planning applications for minerals extraction and associated development and waste management facilities in Norfolk. The current adopted Norfolk minerals and waste planning policy documents also include the Minerals Site Specific Allocations DPD and the Waste Site Specific Allocations DPD.

A new Norfolk Minerals and Waste Local Plan (NM&WLP) is being produced to consolidate the three existing plans into one plan, to ensure that the policies within the plan remain up-to-date and to extend the plan period from 2026 to 2038.

Norfolk County Council Minerals and Waste Development Scheme

The [Minerals and Waste Development Scheme](#) sets out the timetable for producing and reviewing minerals and waste planning policy documents, including those forming part of the Norfolk Minerals and Waste Local Plan. The Regulation 19 publication document was open for a period of representations between 28 September until 19 December 2022. The Local Plan was submitted to the Planning Inspectorate on 20 December 2023. Examination of the Local Plan by the Planning Inspectorate will take place in 2024 and it is anticipated the NM&WLP will be adopted in the first quarter of 2025.

Norfolk Strategic Planning Framework

In 2015, Norfolk’s planning authorities agreed to formally cooperate on a range of strategic cross-boundary planning issues through the preparation of the [Norfolk Strategic Planning Framework \(NSPF\)](#). The aim of this framework is to agree shared objectives and strategic priorities, demonstrate compliance with duty to cooperate and consistency with the revised NPPF. The latest version (January 2021) was endorsed by all stakeholder authorities in 2021.

Section 9.10 of the NSPF summarises the minerals and waste resources in Norfolk. Agreement 29 within the NSPF sets out the Norfolk strategic statement of common ground between all signatories to the agreement, set out on page 2 of the NSPF, in relation to minerals and waste.

Norfolk Wildlife Trust

[Norfolk Wildlife Trust \(NWT\)](#) are a non-statutory consultee for planning applications and Local Plans. Local Planning Authorities (LPAs) do not have an obligation to consult NWT but they have been consulted at all stages of the NM&WLP process, and they are also routinely consulted on planning applications that may affect county wildlife sites.

2. Strategic Geography

The geographical area covered by this statement comprises the administrative area of Norfolk County Council. This is the plan area covered by the emerging Minerals and Waste Local Plan. The plan area is bordered to the South-West by the minerals and waste planning authorities of Cambridgeshire and Peterborough to the North-West by Lincolnshire and to the south by Suffolk.

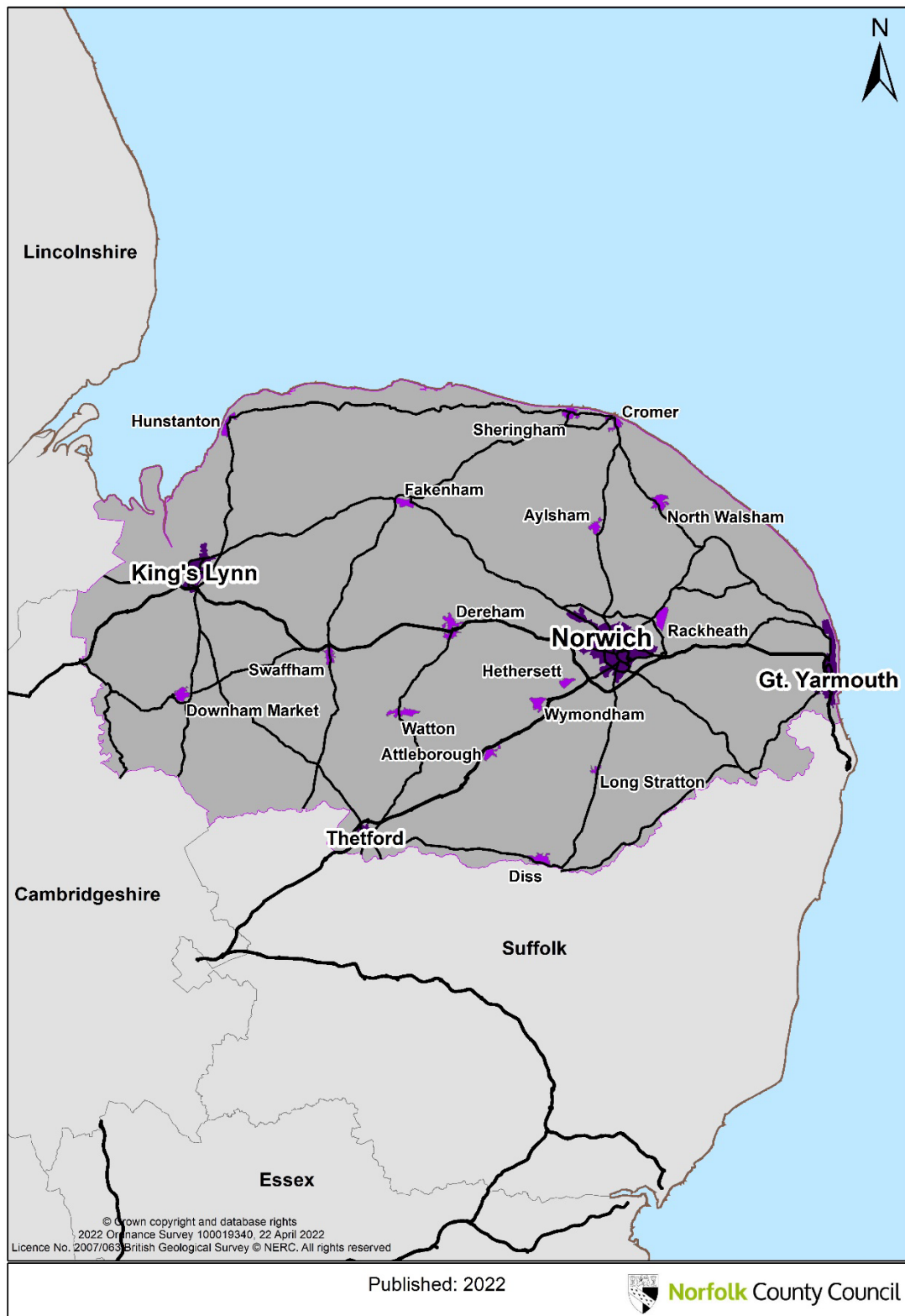


Figure 1: Strategic Geography covered by this statement

3. List of Parties Involved

For the purposes of this document only, this bespoke Statement of Common Ground is between Norfolk County Council, the council directly responsible for preparing the Norfolk Minerals and Waste Local Plan, and Norfolk Wildlife Trust, a 'general consultation body', as defined in the Town and Country Planning (Local Planning) (England) Regulations 2012.

4. Governance Arrangements

This statement has been prepared by Norfolk County Council and agreed with Norfolk Wildlife Trust. The statement will be published on the Norfolk County Council website in the Examination Library.

It should be noted that the signatories to this document have done so on the basis of the principles set out in this Statement, and by signing it does not prejudice the ability of any such signatory making detailed statements or representations (in support or objection) to the content of the emerging Minerals and Waste Local Plan.

5. Timetable for Agreement, Review and Update

This bespoke Statement of Common Ground is being published prior to the examination hearing of the Norfolk Minerals and Waste Local Plan and will be reviewed and updated if and as required during the examination process.

6. Matters Discussed and Resolutions Presented

The information below sets out the main issues raised by Norfolk Wildlife Trust at the Regulation 19/20 stage of the Minerals and Waste Local Plan, the NCC planning officer response and any remaining unresolved issues then follow.

1) Minerals and Waste Local Plan Vision to 2038

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

Representation [Rep ID: 99336]: (Objection)

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

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

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

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

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

We recommend that in order to help frame and support plan objectives and policies that actively deliver the necessary outcomes, that the wording of this final paragraph of the Vision is modified as follows: 'Minerals

development and waste management within Norfolk will be undertaken in ways that [insert: ensure that all development consented under its policies contributes to carbon neutrality and avoids development which results in a net carbon burden to society as it progresses towards the 2050 net zero legal targets. It will also be designed and located to ensure that all opportunities to avoid, reduce and mitigate climate change contributions, and maximise adaptation measures to climatic effects, such as flooding are taken in site allocation and design’.]

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

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

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

Norfolk Wildlife Trust comments to NCC response:

Biodiversity Net Gain – our original comments were made prior to the adoption of the mandatory Biodiversity Net Gain requirements earlier this year. We support the minor modification proposed in response to comments by Natural England.

Climate Change Vision – we agree the wording is sufficient for the Vision. Our comments were made from a point of concern having reviewed other Local Plans in Norfolk where broad policy support or encouragement was given for policies supporting climate change adaptation and mitigation, but without any clear targets in the Plan by which to secure deliver or evaluate if the Plan was effective. Please also see our comments on the wording of policy MW3.

Remaining unresolved issues: None.

2) Policy MW1. Development Management Criteria

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

Representation [Rep ID: 99338]: (Support)

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

NCC Planning Officer response: Support noted.

Norfolk Wildlife Trust Comments to NCC response: Whilst we did not reference this in our Pre-Submission draft consultation response, we wish to draw attention to the developing work on Norfolk’s Nature Recovery Network, which had not been started at the time of the previous consultation, but which is expected to be completed and a material concern in planning decisions within a few years of the Minerals & Waste Local Plan being adopted. When in place, we expect a similar presumption on avoidance of impacts on the Network in all planning policy documents for the County, and ask what means there will be to update the Minerals & Waste Plan when the Network has been adopted. We believe there is merit in anticipating the completion of the Nature Recovery Network and including suitable wording in Policy MW1 in order to safeguard it from inappropriate development.

Remaining unresolved issues: Clarification on the role of the upcoming Nature Recovery Network for the county in Plan policies.

3) Development Management Criteria - Paragraph 6.19

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

Representation [Rep ID: 99337]: (Comment)

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

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

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

Norfolk Wildlife Trust Comments to NCC response: Thank you for clarifying that there are no likely impacts on the deliverability of the Plan due to this.

Remaining unresolved issues: None.

4) Policy MW3. Climate change mitigation and adaption

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

Representation [Rep ID: 99339]: (Comment)

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

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

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

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

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

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

Norfolk Wildlife Trust Comments to NCC response: Energy – We agree that the lack of baseline data makes it difficult to assess contributions towards the net zero baseline but are reassured by and support the wording of MW3 c) '*set out how the proposal will make use of renewable energy ... where on-site renewable or low-carbon energy generation is not practicable ... the applicant should source the electricity required from renewables through an energy supplier*'. However, as there is no target set by this policy, it remains unclear where the acceptable threshold of low to zero carbon energy lies in order to demonstrate compliance, and therefore we maintain our position that in order for this policy to be effective, that meaningful targets for new development should be set in order to a) demonstrate that the policy is effective and b) to allow useful monitoring data to be collected. Page 92 of the Submission Draft Plan includes an Indicator for '*Renewable energy generation capacity at waste management facilities*', but the indicator for minerals sites on page 98 is only to record the number of sites '*securing their energy from on-site renewable or low carbon sources*'. Priority Habitats – we agree with the point made about unnecessary duplication.

Remaining unresolved issues: We recommend MW3 c) includes an objective target in order to demonstrate the carbon thresholds required to comply with the policy. We also recommend clearer targets which allow the renewable and non-renewable energy generation to be monitored.

5) Policy MP2. Spatial Strategy for minerals extraction

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

Representation [Rep ID: 99340]: (Objection)

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

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

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

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

Norfolk Wildlife Trust Comments to response: We agree that policy MW1 includes reference to Irreplaceable Habitats, but note that policy MP2 only refers to Ancient Woodland, whilst leaving out the full list of other habitats which government now lists (<https://www.gov.uk/guidance/irreplaceable-habitats>) with reference to Biodiversity Net Gain. Not all of these habitats (e.g. limestone pavements) are present in Norfolk, but for clarity we recommend that the reference to Ancient Woodland in policy MP2 is changed to '*All Irreplaceable Habitats as defined by the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024*'. Applicable habitat types for Norfolk in the Regulations can then be listed, but we would also recommend reference is made to the Regulations, as it is possible that other habitats will be added to the list in future in response to public consultations.

Remaining unresolved issues: Update the wording of policy MP2 to better reflect the definition of Irreplaceable Habitats, for clarity and to match the wording used in policy MW1.

6) Policy MP8. Aftercare

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

Representation [Rep ID: 99341]: (Comment)

Summary: We support the need for planning conditions and or longer term planning obligations where there is a clear need but it is clear from the supporting documents for the Defra biodiversity net gain metric that some habitats require longer than the typical 5 year aftercare period normally attached to minerals consents in order to be successfully created. We therefore recommend that the policy wording is modified in order to ensure it is effective.

Full text: We support the need for planning conditions and or longer term planning obligations where there is a clear need. Referring specifically to the varying time periods recommended for successful establishment of new habitat creation in Defra's biodiversity metric, it is clear that some habitats will require longer than the typical 5 year aftercare period normally attached to minerals consents.

Suggested change: We therefore recommend that the policy wording is modified in order to ensure it is effective, changing the first sentence of the second paragraph to read 'Planning conditions and/or longer-term planning obligations will be used to ensure that detailed annual management reports and ... to ensure that a detailed annual management where there is a clear need for a longer aftercare period in order to successfully deliver the restoration goals'.

NCC Planning Officer response: The policy wording already refers to an outline aftercare strategy of 'at least 5-years' and paragraph MP8.3 recognises that a longer period may be required. The Policy states that the annual management report must include any measures required to achieve the outline aftercare strategy. We consider that this adequately covers the point raised in the representation, however for clarity we will propose a minor modification to paragraph MP8.3 to state: "The approved aftercare would be secured by planning condition or a legal agreement as appropriate". Please also refer to the response to representation 99413 below.

Norfolk Wildlife Trust comments to response: We support the proposed minor modification.

Remaining unresolved issues: None.

7) Policy MIN 12 Chapel Lane, Beetley

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

Representation [Rep ID: 99342]: (Objection)

The supporting text states that due to the site being 1.16km from the Beetley and Hoe Meadows SSSI site boundary, and being one of the finest remaining areas of wet unimproved grassland in Norfolk, the proposed extraction would be worked dry, above the water table. Also, Dillington Carr, Gressenhall SSSI is 1.44km from site boundary, CWS1027 Gressenhall Green Marshes is 730m from site boundary and Great Wood ancient woodland is 1.28km from the allocation. However, no specific condition is included in MIN12 to ensure that the site will only be worked dry above the water table.

Suggested change: In order to ensure that the plan does not result in impacts on SSSIs, CWS and ancient woodland, we request specific inclusion in the policy wording that the site will only be worked above the water table. Policy MIN 200 includes such wording, so in order to ensure that the policy is effective and doesn't inadvertently promote development in conflict with nature conservation laws and policy, and is consistent with the precautionary approach taken in other policy text wording, we strongly recommend that this condition is added to this policy.

NCC Planning Officer response: Noted. A modification will be proposed to include this requirement in Policy MIN 12.

Norfolk Wildlife Trust comments to NCC response: We support the proposed modification.

Remaining unresolved issues: None.

8) Policy MIN 51/13/08 Beetley

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

Representation [Rep ID: 99343]: (Objection)

Due to the proximity to Beetley and Hoe Meadows SSSI, Horse Wood Mileham SSSI and Dillington Carr, Gressenhall SSSI, as well as Beck Farm Meadows CWS and Rawhall Wood CWS (also an ancient woodland), the supporting text states that the site would be worked dry only above the water table. However, no specific condition is included in MIN12 to ensure that the site will only be worked dry above the water table.

Suggested change: In order to ensure that the plan does not result in impacts on SSSIs, CWS and ancient woodland, we request specific inclusion in the policy wording that the site will only be worked above the water table. Policy MIN 200 includes such wording, so in order to ensure that the policy is effective and doesn't inadvertently promote development in conflict with nature conservation laws and policy, and is consistent with the precautionary approach taken in other policy text wording, we strongly recommend that this condition is added to this policy. We also recommend that section g of the policy includes specific reference to the new wet woodland around retained wetland areas as mentioned in the previous draft of the policy.

NCC Planning Officer response: Noted. A modification will be proposed to include the requirement for the site to be worked dry (above the water table) in Policy MIN 51/13/08. A modification will be proposed to requirement (g) of Policy MIN 51/13/08 to include specific reference to wet woodland and retained wetland areas.

Norfolk Wildlife Trust comments to NCC response: We support the proposed modification.

Remaining unresolved issues: None.

9) Policy MIN 200 Carbooke

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

Representation [Rep ID: 99344]: (Comment)

The supporting text for the policy, MP200.10, with reference to Wayland Wood SSSI, which is also a Norfolk Wildlife Trust reserve, states that 'provided that no dewatering is proposed as part of the working scheme, no impacts on this SSSI are expected'. Paragraph M200.19 states that the site is proposed to be restored to nature conservation with open grassland. We support policy section e, and recommend that the reference to open grassland in MP200.10 is added to the policy wording section e for clarity.

Suggested change: We recommend that the reference to open grassland in MP200.10 is added to the policy wording section e for clarity.

NCC Planning Officer response: Noted, but we do not consider that the suggested change is necessary as an alternative nature conservation restoration proposal may also be appropriate. Policy requirement e requires "the submission of an acceptable progressive restoration scheme to a nature conservation afteruse to provide landscape and biodiversity net gains."

Norfolk Wildlife Trust comments to NCC response: We proposed open grassland as the document indicated that there was an existing interest in restoration to open grassland. We will review any application documents for this site and determine our position at that point.

Remaining unresolved issues: None.

10) Policy MIN 202 Attlebridge

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

Representation [Rep ID: 99345]: (Objection)

Summary: In our response to the previous 2019 consultation we noted that this site overlaps with Triumph & Foxburrow Plantations County Wildlife Site and the Mileplain Plantation ancient woodland partially within the site boundary. However, the site boundary does not appear to have been changed in order to avoid impacts on these important ecological features. Whilst we have no objection in principle to the majority of the allocation, we are significantly concerned that the allocation includes part of a County Wildlife Site, in clear contradiction with the goals of policy MW1.

Full text: In our response to the previous 2019 consultation we noted that this site overlaps with Triumph & Foxburrow Plantations County Wildlife Site and the Mileplain Plantation ancient woodland partially within the site boundary. However, the site boundary does not appear to have been changed in order to avoid impacts on these important ecological features. Whilst the supporting text for the policy states in M202.12 that there should be a stand off distance of at least 15 metres from the ancient woodland, we question why the red line boundary for the allocation abuts the ancient woodland and includes part of the CWS. Notwithstanding our concerns about the inclusion of part of a CWS in this allocation, and its unacceptable proximity to ancient woodland, we have no objection in principle to the remainder of the allocation area and support the proposed restoration to heathland.

Suggested change: We strongly recommend that the site boundary is modified to remove any overlap with the CWS and set the required stand off distance where ancient woodland is present. For section d, we recommend that natural regeneration rather than planting is preferred, as this is far more likely to establish successfully and will avoid any risks of introducing disease from imported tree stock. Given the proximity to Swannington Ugate Common SSSI, part of which is also the Ugate Common Norfolk Wildlife Trust reserve, we recommend that policy wording requiring dry working is included in the policy text, in line with the approach taken for MIN 200, for consistency and certainty of delivery.

NCC Planning Officer response: The proposed site allocation policy contains a requirement for a minimum 15 metre buffer from the boundary of the ancient woodland and for this buffer to be planted with native woodland species as part of any restoration scheme. Allocation requirements are only applicable to the area covered by the site plan; therefore, to be able to influence the nature of the restoration within the buffer it needs to be within the site outline. The allocation requirements further require that the any future planning

application should include a progressive restoration scheme containing heathland to provide biodiversity net gains. County Wildlife Sites are of local importance and a well-designed restoration scheme could provide ecological gains to such sites; potential impacts and restoration potential would be assessed and considered as part of any future planning application. As stated in paragraphs M202.8, M202.9, M202.10, M202.11 and M202.12 any working would be dry because it would be above the water table. Due to the depth of the groundwater level in the location of the mineral working, we do not consider it necessary to include a requirement for dry working within the policy as the mineral working would be naturally dry at the depth of extraction required for the proposed 545,000 mineral reserve. The Forestry Commission proposed that the 15-metre boundary be planted with an equal number of oak, silver birch, sweet chestnut and rowan trees as part of the restoration, and advised that allowing natural regeneration would not be appropriate in this case due to the restoration overall being to heathland.

Norfolk Wildlife Trust comments to NCC response: We are disappointed that it has not been possible to remove the CWS from the allocation boundary, as it would be far better to retain existing areas of wildlife value than to remove them and then provide compensatory measures (e.g. through BNG) afterwards.

Where restoration is required to heathland, then of course natural regeneration would ultimately succeed to woodland and not be compatible. However, we maintain our concern regarding the proximity of workings to ancient woodland. In addition, in order to avoid any risks from tree disease and to maximise the likelihood of success by using stock best suited to local climate and soil conditions, any tree planting carried out in proximity to the ancient woodland should only be from locally collected seed sources.

Remaining unresolved issues: Wording over proposed restoration measures in proximity to Ancient Woodland.

11) Policy MIN 96 Spixworth

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

Representation [Rep ID: 99346]: (Comment)

Suggested change: We recommend the addition of species-rich grassland to the habitats listed in section h. on the restoration goals.

NCC Planning Officer response: Noted. As the current agricultural land grade is 3, a restoration to agriculture would generally be preferred with additional features such as wider field margins (which could consist of species rich grassland), hedgerows and some additional trees to provide Biodiversity Net Gains whilst the majority of the site being productive. As the wider field margins could be created to contain species rich grassland we do not consider it necessary to amend the policy wording.

Norfolk Wildlife Trust comments to NCC response: No further comment.

Remaining unresolved issues: None.

12) Policy MIN 40 East Winch

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

Representation [Rep ID: 99347]: (Comment)

Due to the proximity to East Winch Common SSSI, also a Norfolk Wildlife Trust reserve, we strongly support the requirement for a hydrological assessment accompanying any application on this site. We also recommend that the proposed restoration in section k is revised to incorporate as much heathland habitat similar to East Winch Common as possible, to increase the landscape connectivity and resilience of the SSSI.

Suggested change: We also recommend that the proposed restoration in section k is revised to incorporate as much heathland habitat similar to East Winch Common as possible, to increase the landscape connectivity and resilience of the SSSI.

NCC Planning Officer response: Noted. However, due to the surrounding land uses it is considered that a restoration to incorporate arable agricultural land would be more appropriate to the setting of the village and the heritage asset in proximity to the site. Planning permission was granted for site MIN 40 (application reference C/2/2018/2016) on appeal (reference APP/X2600/W/21/3289250) by the Planning Inspectorate on 7 June 2023.

Norfolk Wildlife Trust comments to NCC response: No further comment.

Remaining unresolved issues: None.

13) Policy SIL 01 Bawsey

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

Representation [Rep ID: 99348]: (Objection)

Summary: During the previous consultation we highlighted that part of the proposed allocation overlaps with a woodland CWS. We strongly recommend that impacts to the CWS are avoided by excluding it from the allocation and buffering it and other CWS from indirect dust impacts. We also note that the land use of the proposed allocation is classed as non-agricultural land, however we understand that this is likely to be incorrect as the southern part of the site has been in regular use as grazed grassland for at least twenty years, with the potential to support features of ecological significance.

Full text: During the previous consultation phase we highlighted that part of the proposed allocation overlaps with CWS 416 '70 & 100 Plantations' and recommended that these areas are safeguarded. The supporting text correctly identifies potential adverse impacts to this CWS and the adjacent CWS 418 Haverlesse Manor Plantation, but makes no attempt to safeguard these. The most appropriate way to ensure that impacts to the CWS are avoided is to exclude it from the minerals allocation, therefore we strongly recommend that CWS 416 is completely excluded from the proposed allocation. In addition, in order to safeguard from any indirect impacts to CWS from impacts such as dust, any allocation would need to include a non-worked buffer between it and both CWS.

We support the recommendations in the policy text for noise, dust, air quality and hydrology assessments which will help inform ecological assessments of potential impacts on nearby wildlife sites. We recommend that any restoration plan ensures that the existing ecological connectivity between the adjacent wildlife sites is maintained through progressive working and that restoration post-extraction complements the adjoining habitats.

We also note in the supporting text that the land use of the proposed allocation is classed as non-agricultural land, however we understand that this is likely to be incorrect as the southern part of the site has been in regular use as grazed grassland for at least twenty years. This area is likely to be of ecological significance, with anecdotal records of several protected species present as well as a number of mature oak trees on the southern boundary.

Suggested change: The most appropriate way to ensure that impacts to the 70 & 100 Plantations CWS are avoided and ensure this policy complies with policy MW1 is to exclude it from the minerals allocation, therefore we strongly recommend that CWS 416 is completely excluded from the proposed allocation. In addition, in order to safeguard from any indirect impacts to CWS from impacts such as dust, any allocation would need to include a non-worked buffer between it and both CWS. In the absence of further information on the ecological value of the grazed grassland area in the south of the current allocation, and the potential impacts on a range of protected species (and any consequent impacts on delivery) as a precaution we recommend that this part of the site is removed from the allocation.

NCC Planning Officer response: Site SIL 01 is currently allocated for silica sand extraction in the adopted Minerals Site Specific Allocations Development Plan Document. Planning permission was granted for mineral extraction at site SIL 01 (application number FUL/2020/0021) in August 2021. The permitted extraction area includes part of the '70 & 100 Acre Plantations' County Wildlife Site (CWS). An ecological assessment and a preliminary ecological appraisal report were submitted as part of the Environmental Statement for the planning application which was informed by a Phase 1 Habitat Survey and protected species surveys. The

extraction area shown on the Policies Map for SIL 01 in the NM&WLP is consistent with the extraction area permitted under FUL/2020/0021, although the planning permission boundary includes a much larger area to include the haul route and conveyor to the existing plant site, location of sand stockpile, grassland and woodland (including the 70 & 100 Acre Plantations CWS) to be managed to provide biodiversity enhancements. An agricultural land survey was also submitted as part of the planning application which determined that the 15.3 hectare proposed quarry extraction area includes approximately 4.8 hectares of grade 3b agricultural land, 3.3 hectares of undisturbed woodland and bracken and 7.2 hectares of previously disturbed land consisting of mainly woodland and bare ground. Therefore, no changes are proposed to be made to the extraction area shown for site SIL 01, in order for the allocated site to remain consistent with the existing planning permission for mineral extraction at this site.

Norfolk Wildlife Trust comments to NCC response: No further comment.

Remaining unresolved issues: None.

14) Policy MIN 25 Haddiscoe

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

Representation [Rep ID: 99349]: (Comment)

Suggested change: The site policy needs an additional requirement for any application to include a hydrogeology assessment in order to ensure that impacts on the nearby Devil's End Meadow CWS, which includes wet woodland Priority Habitat around the Landspring Beck, as recommended in section M25.15 of the supporting text for the policy.

NCC Planning Officer response: Any future planning application would need to comply with Development Management Criteria Policy MW1, this requires that planning applications demonstrate that they would not have an unacceptable impact on a number of issues; including 'the quality and quantity of surface waterbodies and groundwater, for resource purposes and to prevent the deterioration of their existing status, and their associated ecosystems'. Therefore, this requirement would ensure that assessment of hydrogeology would support any future planning application, informed by the supporting text within the allocation policy. Development Management Criteria Policy MW1 also requires planning applications to demonstrate that they would not have an unacceptable impact on the natural, geological and hydrogeological environment, (including internationally, nationally or locally designated sites and irreplaceable habitats). Norfolk County Council's 'Local List for the validation of Minerals and Waste Planning Applications' (June 2023) requires a hydrogeology assessment to be submitted with any planning application for development which involves disturbance to the ground that could affect the water table and the movement of water.

Norfolk Wildlife Trust comments to NCC response: No further comment.

Remaining unresolved issues: None.

7. Signatures and Summary of Resolutions to agree/disagree

Resolutions

The table below summarises the up-to-date progress on matters discussed and resolutions.

| Matter | Policy/ Paragraph Reference – summary of issue | Rep ID | Rep Type | Resolved/Unresolved | Date agreed |
|--------|---|--------|-----------|---------------------------|-------------|
| 1 | M&WLP Vision to 2038 BNG & Net Zero | 99336 | Objection | Resolved | 12.04.2024 |
| 2 | Policy MW1. Development Management Criteria Support incl. of natural environment | 99338 | Support | N/A – no change requested | n/a |
| 3 | Development Management Criteria - Paragraph 6.19 Deferral to project level HRA/potentially undeliverable plan | 99337 | Comment | Resolved | 12.04.2024 |
| 4 | Policy MW3. Climate change mitigation and adaption Targets and monitoring for renewable energy generation | 99339 | Comment | Unresolved | Not agreed |
| 5 | Policy MP2. Spatial Strategy for minerals extraction Add CWS to exclusions | 99340 | Objection | Unresolved | Not agreed |
| 6 | Policy MP8. Aftercare Strengthen policy wording | 99341 | Comment | Resolved | 12.04.2024 |
| 7 | Policy MIN 12 Chapel Lane, Beetley Worked above water table only | 99342 | Objection | Resolved | 12.04.2024 |
| 8 | Policy MIN 51/13/08 Beetley Worked above water table only | 99343 | Objection | Resolved | 12.04.2024 |
| 9 | Policy MIN 200 Carbooke Add open grassland to policy (e) | 99344 | Comment | Resolved | 12.04.2024 |
| 10 | Policy MIN 202 Attlebridge Amend site boundary to remove CWS | 99345 | Objection | Unresolved | Not agreed |
| 11 | Policy MIN 96 Spixworth Add species-rich grassland to the habitats | 99346 | Comment | Resolved | 12.04.2024 |
| 12 | Policy MIN 40 East Winch Revise restoration | 99347 | Comment | Resolved | 12.04.2024 |
| 13 | Policy SIL 01 Bawsey Amend site boundary to remove CWS and add buffer | 99348 | Objection | Resolved | 12.04.2024 |
| 14 | Policy MIN 25 Haddiscoe Add hydrogeology assessment | 99349 | Comment | Resolved | 12.04.2024 |

Signatures

- Caroline Jeffery, Principal Planner (Minerals and Waste Policy), Norfolk County Council

Caroline Jeffery

Dated 10.05.2024

- Mike Jones, Planning & Advocacy Manager, Norfolk Wildlife Trust

M Jones

10/05/2024