

Report to Norfolk County Council

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Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Norfolk Minerals and Waste Local Plan 2022

The Plan was submitted for examination on 20 December 2023

The examination hearings were held on 2 and 3 July 2024

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Abbreviations Used in this Report

DPD	Development Plan Document
EA	Environment Agency
EEWTAB	East of England Waste Technical Advisory Body
EqIA	Equalities Impact Assessment
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
LSE	Likely Significant Effect
MWDS	Minerals and Waste Development Scheme
MCAAs	Mineral Consultation Areas
MIIA	Minerals Infrastructure Impact Assessment
MM	Main Modification
MPA	Minerals Planning Authority
mt	Million tonnes
mtpa	Million tonnes per annum
MRA	Minerals Resource Assessment
MSAs	Mineral Safeguarding Areas
NPPF	National Planning Policy Framework September 2023
NPPW	National Planning Policy for Waste
PPG	Planning Practice Guidance
SA	Sustainability Assessment
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
tpa	Tonnes per annum
WMFIA	Waste Management Facilities Impact Assessment
WPA	Waste Planning Authority
WRC	Water Recycling Centre

Non-Technical Summary

This report concludes that the Norfolk Minerals and Waste Local Plan (the Plan) provides an appropriate basis for the planning of minerals and waste development in Norfolk, provided that a number of main modifications (MMs) are made to it. Norfolk County Council, as Mineral Planning Authority (MPA) and Waste Planning Authority (WPA), has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) on them. The MMs were subject to public consultation over an eight-week period. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Modifications to the vision and objectives to ensure consistency with national policy and that the areas identified for growth set out in District Local Plans are properly reflected in the Plan.
- A number of modifications to ensure that the policies in the Plan are aligned with the Vision and Strategic Objectives.
- Ensuring that the forecast need for aggregate minerals and silica sand reflects the most up to date data provided in the 2022 Local Aggregates Assessment.
- Ensuring that local environmental constraints and heritage assets are appropriately taken into account in the consideration of development proposals on allocated sites.
- Ensuring that the Plan is adequately flexible to consider development outside of allocated sites in circumstances where the relevant required level of supply and landbank is not being maintained.
- Ensuring that the restoration of mineral working sites takes into account the role of local Landscape Character Assessments, reflects national policy and legislation in terms of Biodiversity Net Gain and identifies the mechanism to secure aftercare provision in excess of 5 years.
- Ensuring adequate consideration is given to the use of secondary and recycled aggregates before considering the extraction of primary aggregates.
- Ensuring that the Plan takes into account the latest published data provided in 'The Waste Management Capacity Assessment 2022' in determining the need for future waste management facilities.

- Modifications to ensure that the policies for minerals and waste management development are clearly written without ambiguity so that decision makers and developers can understand how to react to them.
- A range of modifications to the monitoring framework to clearly specify triggers and associated action necessary if the Plan is not delivering outcomes as expected.
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound.
2. The National Planning Policy Framework (NPPF) explains that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound and legally compliant Plan. The Plan, submitted in December 2023 (A1) is the basis for my examination. It is the same document as was published for consultation in September to December 2022.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council has requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out SA and HRA of them. The MM schedule was subject to public consultation for eight weeks from 17 October 2024 to 13 December 2024. I have taken account of the consultation responses in coming to my conclusions in this report and, in this light, I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA or HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.
5. This report does not explain the detailed content and precise wording of every MM. This can be found in the Appendix to this report. However, it does refer to the most salient matters in explaining why a MM is necessary in order for the Plan to meet the tests of soundness or be legally compliant.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted Development Plan.

When submitting a Local Plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted Local Plan. In this case, the submission policies map comprises the set of plans identified in the Norfolk Minerals and Waste Local Plan Map 2022 which includes the set of plans identifies as 'Introduction' and Parts A to G inclusive (A2.1 to A2.5).

7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in the submission Policies Map and the Schedule of Proposed Main Modifications January 2025 (D24).

Context and scope of the Plan

9. Within the County of Norfolk, the two-tier administrative system includes seven District Council areas, each of which is a Local Planning Authority. Overlying parts of five of these areas is the Broads Authority, which is also a Local Planning Authority. Norfolk adjoins the County of Suffolk to the south, and Cambridgeshire and Lincolnshire to the west; whilst Norfolk's north-west, north and eastern boundaries border the North Sea.
10. The Plan sets out the vision, strategic objectives and policies for guiding mineral and waste management development in the County of Norfolk to the end of 2038. When adopted, the Plan will replace the following existing Minerals and Waste Development Plan Documents with one Local Plan:
 - The Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) (the 'Core Strategy') (adopted in 2011).
 - The Norfolk Waste Site Specific Allocations DPD (adopted in 2013).
 - The Norfolk Minerals Site Specific Allocations DPD (adopted in 2013) as amended by the adoption of the Single-Issue Silica Sand Review in December 2017.
11. The Plan identifies the quantities of sand and gravel, carstone and silica sand that need to be planned for during the period to 2038 in order to provide a steady and adequate supply of these minerals. Clay and chalk are also extracted in Norfolk with one active clay working and three active chalk workings. The clay is primarily used in the engineering of landfill sites and in

flood protection schemes with chalk being primarily used as a liming agent for farmland. The Plan identifies that the available resource for these minerals is significant relative to demand. Therefore, the Plan makes no specific provision for clay and chalk.

12. It allocates sixteen sites for the extraction of sand and gravel, two sites for the extraction of silica sand and one site for the extraction of carstone to support the delivery of the identified need for these minerals. The Plan also includes development management policies and policies to ensure that mineral resources, supporting minerals infrastructure and waste facilities are safeguarded from other non-minerals or non-waste development that may affect their operation.
13. An assessment of the existing waste management capacity in Norfolk concluded that sufficient capacity already exists to accommodate the forecast growth in waste arisings over the Plan period to 2038. Therefore, the Plan does not allocate any specific sites for waste management facilities. However, planning applications for new waste management facilities are still expected to come forward during the Plan period. Therefore, the Plan contains criteria-based policies to determine those planning applications and includes a policy that identifies the land uses considered to be potentially suitable for waste management facilities.

Revised National Planning Policy Framework

14. On the 12 December 2024 the Government published a revised National Planning Policy Framework (NPPF). Paragraph 234 of that document sets out that for the purposes of preparing local plans, the policies in this version will apply from 12 March 2025 other than in a number of circumstances. Part 'e' of paragraph 234, and the provisions of paragraph 235, set out that where the plan deals only with minerals and/or waste matters and has been submitted for examination on or before 12 March 2025, the plan will be examined under the relevant previous version of the NPPF.
15. Annex 1 of the December 2023 version of the NPPF, paragraph 230, states that the policies in this Framework will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the NPPF.
16. The Council published the Pre-submission Draft Minerals and Waste Local Plan for consultation on 28 September 2022. Therefore, the Plan will be examined against the version of the NPPF published on 5 September 2023. Paragraph

numbers of the NPPF quoted from here on in this Report are relevant to the September 2023 NPPF version.

Public Sector Equality Duty

17. Throughout the examination, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. The Equality Impact Assessment Findings and Recommendations Report (May 2022) (EqIA) (A9) identifies that some minerals extraction and waste management facilities could have some detrimental impact, albeit low, upon some equality groups, if the development is not sufficiently managed and mitigated. The issues identified were possible health and amenity impacts to more vulnerable groups. The EqIA sets out that the most likely health and amenity impacts from mineral extraction are noise and dust which will be assessed at the planning application stage, when suitable management and mitigation will be identified.
18. The EqIA concludes that the proposed policies in the Plan should mitigate the potential for unacceptable adverse impacts on health and amenity, including for protected characteristic groups. Provided these policies are applied, the EqIA identifies that it is highly unlikely that the Plan would cause discrimination to any particular groups with protected characteristics within the Plan area. Overall, I am satisfied that the EqIA demonstrates that the Plan is not expected to discriminate against any sections of the community

Assessment of Duty to Co-operate

19. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on it by section 33A in respect of the Plan's preparation. When preparing the Plan, the Council is required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regard to strategic, cross-boundary matters.
20. Details of how the Council has met this duty are set out in the Duty to Co-operate Compliance Statement (A13). This sets out that there has been engagement with the bodies prescribed in section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In addition, the overarching Statement of Common Ground (SoCG) (A16a) sets out four strategic matters on which agreement was sought with a range of local authorities and a variety of prescribed bodies. The strategic matters relate to the provision of minerals, the provision of waste management facilities, safeguarding and the impacts on local communities and the environment. Appendix 1 of the overarching SoCG identifies the signatories and the relevant matters agreed. Individual SoCGs have also been produced with the Broads

Authority (A17), Historic England (A18), Anglian Water (A19) and Natural England (A20).

21. The above documents, and the Council's written responses to pre-hearing questions, set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters. The evidence demonstrates that throughout the plan-making process the Council has worked closely with all prescribed bodies, including neighbouring MPAs and WPAs as well as some further afield where a strategic relationship was identified. These include North Lincolnshire Council, Doncaster Council, Cheshire West and Chester Council, and Suffolk County Council who have strategic waste movements with Norfolk and a number of MPAs where silica sand resources or manufacturing plants occur. These MPAs together with the Silica and Moulding Sands Association (SAMSA) also meet on an annual basis as the Silica Producing Mineral Planning Authorities Group.
22. The Council has engaged with neighbouring authorities, the Marine Management Organisation and representatives of the minerals industry in planning for minerals through the East of England Aggregates Working Party. In addition, the Council participates in meetings of the East of England Waste Technical Advisory Body (EEWTAB) in planning for waste. This group comprises neighbouring WPAs and the Environment Agency (EA). The Council has agreed a Memorandum of Understanding with the EEWTAB (A21). The purpose of the Memorandum is to underpin effective co-operation and collaboration between the WPAs in addressing strategic cross-boundary issues that relate to planning for waste management. It also sets out matters of agreement between the WPAs.
23. It is evident that the Council has established and maintained an effective relationship with all of the relevant bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. It is clear that many of the pre-submission changes to the Plan that were brought forward by the Council were as a result of consultation with relevant parties to address their concerns in a constructive and active manner.
24. Overall, I am satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Duty to Co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

25. The Plan has been prepared in accordance with the Council's Minerals and Waste Development Scheme (MWDS) published in October 2022 (B27). Although the MWDS anticipated that the Plan would be submitted in December 2022, the submission after this time does not raise any implications for legal compliance.
26. Following the Examination Hearings, the Council produced a revised MWDS, adopted in December 2024 (D23). This revised MWDS replaces the previously published MWDS (October 2022) and sets out details and dates of the completed and next steps in the examination process with the aspiration of the adoption of the Plan by May 2025.

Public Consultation and Engagement

27. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statements of Community Involvement (B25 and B26) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations). The Regulation 18 Statement of Consultation (A10) and the Regulation 19 Statement of Consultation (A11) summarise the consultation and engagement undertaken and explains how the responses have informed the Plan.

Sustainability Appraisal

28. The Council carried out a SA of the Plan (A3.1 to A3.6). In addition, each of the MMs were subject to further SA review as set out in the "Sustainability Appraisal Main Modifications Addendum (2024)" (D16) which was published for consultation along with the schedule of MMs. The Addendum identified a number of MMs relating to amended policy wording as requiring reassessment which was then undertaken. The updated assessment findings were broadly in line with the original SA. No additional significant effects were identified and therefore no additional mitigation measures are recommended. The main conclusions of the original SA are identified as remaining unaltered.
29. Overall, I am satisfied that the SA was proportionate, objective, underpinned by relevant and up to date evidence, and is compliant with legal requirements and national guidance.

Habitats Regulations Assessment

30. The Plan was subject to a HRA during its preparation as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The "HRA – Test of Likely Significant Effects (May 2022)" (A8) sets out the screening exercise undertaken on the Plan. An addendum (2023) (A8.1) provides clarification on how the screening exercise took into account rulings by the Court of Justice of the European Union and the High Court¹ in the consideration of the likely significant effects of the Plan on European protected sites, individually or in-combination with other plans and projects.
31. The evidence concludes that the policies and allocations contained within the Plan would not give rise to adverse effects on the integrity of European sites, either alone or in combination with other plans and projects and that no likely significant effects to designated habitats or species would occur. Therefore, there was no need for Appropriate Assessments to be undertaken
32. The MMs have also been subject to a further assessment. The HRA "Addendum to assess proposed Main Modifications 2024" (HRA 2024 Addendum) was published for consultation together with the schedule of MMs. This concludes that the proposed MMs will not lead to likely significant effects on European sites, alone or in combination with other plans and projects, and does not change the conclusions of the original 2022 and 2023 assessments.
33. In response to the above consultation, the EA provided specific comments on the HRA 2024 Addendum relating to the assessment of four of the policies (WP15, MP2, MIN 200 and SIL 01) contained in the Plan and the extent to which development proposals considered in the context of those policies may give rise to a Likely Significant Effect (LSE). However, the EA did not identify that the HRA 2024 Addendum was deficient in its approach, content or findings. Furthermore, the EA did not identify that any specific LSE would be likely to occur in the context of these policies but essentially provided commentary on some of the wording in the HRA 2024 Addendum and a requirement for adherence to the policies.
34. Natural England have not identified any short comings with the HRA. I am therefore satisfied that the comments made by the EA do not alter the basis, content or findings of the HRA 2024 Addendum. Consequently, I am satisfied that the HRA is compliant with the legal requirements.

¹ Court of Justice of the European Union (CJEU) *People over Wind, Peter Sweetman v Coillte Teoranta*, Case 323/17 and the High Court Judgement *Wealden v SSCLG* [2017] EWHC 351Admin]

Climate Change

35. Section 19(1A) of the 2004 Act requires that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the Plan area contribute to the mitigation of, and adaptation to, climate change.
36. The Plan includes strategic objectives designed to secure that mineral and waste development, and the use of land for such purposes within the Plan area, contribute to the mitigation of, and adaptation to, climate change (Objectives MSO5, MSO8, WSO1, WSO6 and WSO7). Furthermore, strategic and non-strategic policies also seek to ensure that minerals and waste development and the use of land for such purposes within the Plan area contributes to the mitigation of, and adaptation to, climate change (MW1, MW2, MW3, WP2, MP2, MP7, MP10, WP10, WP12 and WP16).
37. I am satisfied that the Plan, taken as a whole, includes policies designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change as required by Section 19(1A) of the 2004 Act.

Superseded Policies

38. Regulation 8(5) of the 2012 Regulations sets out that where plans contain certain policies that are intended to supersede other policies in the adopted Development Plan, this fact should be stated, and the superseded policies must be identified. Section 1 of the Plan identifies the relevant existing Development Plan Documents that will be replaced by the Plan upon adoption. In addition, Appendices 1, 2 and 3 of the Plan each include a table which identifies all of the relevant existing policies which will be replaced by new policies in the Plan upon adoption. This requirement has therefore been met.

Strategic priorities

39. The Vision and Strategic Objectives of the Plan provide for sustainable resource management, sustainable transport and the restoration of mineral workings. The Minerals Strategic Objectives provide for the sustainable extraction of mineral resources to provide a steady and adequate supply, safeguard sand and gravel, carstone and silica sand resources for future use and encourage the use of secondary and recycled aggregates. The Waste Management Strategic Objectives provide for sustainable waste management by supporting the delivery of the waste hierarchy and achieving the aims of a circular economy in Norfolk. Overall, the Plan adequately addresses the strategic priorities for mineral and waste management development and use of land for such purposes in the Plan area.

Other Legal Requirements

40. The Plan complies with all other relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

41. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified nine main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy criterion or designation in the Plan.

Issue 1 – Whether the Vision and Strategic Objectives of the Plan are the most appropriate, are soundly based and provide an appropriate basis for meeting the future demand for minerals and future waste management needs sustainably.

42. The Spatial Portrait of Norfolk is set out in Chapter 3 of the Plan. This provides a summary of the characteristics of the County and planned growth which influences the future demand for minerals and likely waste arisings over the Plan period. The Spatial Portrait has informed the 'Vision' of the Plan which sets an aspiration for minerals and waste management development to be achieved by the end of the Plan period.
43. Although the Plan was prepared on the basis of a 15-year Plan period, on adoption the Plan period will be less and therefore does not accord with the guidance provided in paragraph 22 of the NPPF. However, the strategic policies for minerals and waste management (MP1, MP2, MPSS1, WP1, WP2 and WP3), which are considered later in this report, anticipate and respond to long term requirements and opportunities as referred to in paragraph 22.
44. In addition, the Council recognises that the prospect of an early review of the Plan cannot be ruled out. This would be informed by the consideration of any relevant changes to national policy and local circumstances and the information provided in annual monitoring through the Local Aggregates Assessment (LAA) and Authority Monitoring Report (AMR). The Plan will need to be reviewed in 5 years in any event. Consequently, I do not consider the fact that the Plan period, which may be less than 15 years on adoption, would materially compromise the soundness of the Plan.

45. The 'Vision' identifies that a steady and adequate supply of minerals will be provided to support sustainable economic growth through allocating sufficient sites and using criteria based locational policies to meet the forecast need for sand and gravel, carstone and silica sand. It also seeks to increase the re-use, recycling and recovery of waste arising in Norfolk thereby reducing the quantity of waste that requires disposal. This would be achieved by enabling sufficient waste management infrastructure to be provided to meet the forecasted waste arising over the plan period.
46. However, the Vision does not adequately reflect the economic, social and environmental objectives of sustainable development and, in particular, the movement of minerals and waste by sustainable transport methods. It also does not adequately reflect the application of the proximity principle to enable, where possible, waste to be managed close to the source of the waste arisings and the particular need for new waste management facilities to be located in proximity of the urban areas and main towns. Furthermore, it does not define the need for development to provide a minimum measurable 10% biodiversity net gain as required by the provisions of the Environment Act 2021. **MM1** addresses these matters and is necessary for the Plan to be effective and consistent with national policy and legislation.
47. The Waste Management and Minerals Strategic Objectives set out a number of objectives to help deliver the Vision. Whilst WSO7 refers to the need for waste management development to provide biodiversity net gains, the objective does not define that a minimum measurable 10% biodiversity net gain is necessary or that development should contribute to the delivery of the national Nature Recovery Network objectives on restoration. **MM2** provides further text to address these matters and ensure consistency with the changes made to the Vision as a consequence of **MM1**. This MM is also necessary for the plan to be effective and consistent with national policy and legislation.
48. The Minerals Strategic Objectives do not identify the need to maintain a landbank of at least 7 years for sand and gravel and 10 years for carstone and silica sand. **MM3** provides additional text to objectives MSO1 and MSO2 to address these matters. It also provides additional text to objective MSO9 to ensure that the restoration and aftercare of mineral development provides a minimum measurable 10% biodiversity net gain and contributes to the delivery of the national Nature Recovery Network objectives. This MM is necessary for the Plan to be effective and consistent with national policy and legislation.
49. A Key Diagram provides locational context to the spatial strategy for minerals extraction and the existing mineral extraction sites, main transport networks, buffer zones for Stone Curlews, Mineral Safeguarding Areas (MSAs) and significant environmental designations. However, the diagram does not include land at Roydon in defining the extent of the MSA for silica sand. It also does not include the settlement of Easton nor the extent of the Growth

Triangle to the Norwich urban area. **MM4** addresses these matters which also deletes the Stone Curlew mitigation zone and the 'grid cells with less than 50% survey coverage' for Stone Curlews to ensure that the extent of the Stone Curlew Protection Areas identified in the Plan are accurate. This MM is necessary for the Plan to be justified.

Conclusion on Issue 1

50. Subject to the identified MMs, I am satisfied that the Vision and Strategic Objectives of the Plan are appropriate, positively prepared and soundly based and provide an appropriate basis for meeting the future demand for minerals and managing waste sustainably.

Issue 2 – Whether the provisions made in the Plan for the future supply of aggregate and industrial minerals would deliver a steady and adequate supply.

51. The NPPF looks to MPAs to plan for a steady and adequate supply of aggregates by preparing a Local Aggregates Assessment (LAA) based on a rolling average of ten years' sales data and other relevant local information, and an assessment of all supply options (including marine-dredged, secondary and recycled sources). The approach to the calculation of the future demand for aggregate minerals over the Plan period was based on the 'Local Aggregate Assessment for the Calendar Year 2020' (B4) (2020 LAA). The 2020 LAA includes a Supply and Demand Assessment for sand and gravel and carstone, which are the aggregate minerals extracted in Norfolk, based on an analysis of the last 10 years and last 3 years average sales. It also considers the supply and demand for silica sand.
52. In February 2024 the Council published the 'Local Aggregate Assessment for the Calendar Year 2022' (D1) (2022 LAA). This adopts the same methodology and format as the 2020 LAA and includes an analysis of projected growth (population and housing) in the County over the Plan period. In considering the forecast need for aggregate minerals and silica sand over the Plan period, the examination focussed on the most up to date data provided in the 2022 LAA.
53. There are changes to the sales figures, production rates and permitted reserves between the 2020 LAA the 2022 LAA. However, these changes do not alter the calculation methodology that the Plan uses to calculate the forecast need for aggregate minerals over the Plan period which is based on the last 10 years sales average plus an additional 10% buffer to reflect future growth. This methodology used in the Plan to forecast aggregate need over the Plan period is robustly informed and is sound.

Sand and Gravel Provision

54. **MM29, MM30, MM31, MM32** and **MM33** provide factual updates to paragraphs MP1.3, MP1.4, MP1.5, MP1.6 and MP1.7 of the Plan respectively to reflect the most recently available published data from 2022 LAA.
55. Paragraph MP1.3 identifies that the sub-national guidelines are for Norfolk to produce 2.57 million tonnes per annum (mtpa) of sand and gravel. **MM29** modifies the text to explain that in the last 10 years (2013- 2022) sand and gravel production has not met the sub-national guideline.
56. **MM30** updates the last 10 years production and last 10 years average sales figures contained within paragraph MP1.4. These identify that the average production of sand and gravel over the last 10 years (2013-2022) was 1.413mtpa, and that using the 10-year sales average to forecast the future need for sand and gravel would mean that sites for 4.654 million tonnes (mt) of extraction would need to be allocated over the Plan period. The MM also identifies that in order to plan for future growth, the 10-year sales average is considered to be slightly too low when forecasting future need.
57. **MM31** updates the last 3-year average production figures contained within paragraph MP1.5 to 1.39 mtpa. The MM also sets out that the 3-year production average has remained stable over the last 3 years. Paragraph MP1.6 identifies the level of permitted reserves of sand and gravel which **MM32** sets out as being 17.954mt as at 31 December 2022.
58. Paragraph MP1.7 sets out the calculation of forecast need for sand and gravel over the Plan period. **MM33** provides for a 10% buffer of 0.141mtpa to the 10-year average sales in order to accommodate future growth to give a requirement for the 16 years from the end of 2022 to 2038 of 1.554mtpa. The MM identifies that the forecast need for sand and gravel over the Plan period is 24.864mt and taking into account permitted reserves it provides a forecast shortfall of 6.91mt over the Plan period.
59. The above MMs are necessary to reflect the most up to date LAA and in order for the Plan to be justified, effective and positively prepared. The shortfall identified is used to inform Policy MP1 (Provision for minerals extraction) which is considered later in this report.
60. The question arises whether there would be an under provision of sand and gravel resources over the Plan period due to the likelihood of increased demand caused by economic growth in the region and whether the 10% buffer is sufficient. However, the annual LAA should be able to identify the consequences and impact there might be on aggregate resources, reserves and landbanks and whether a review of the Plan would be triggered earlier than

might otherwise be the case. Furthermore, the Plan contains policies, considered below, which would enable the consideration of proposals outside of allocated sites in circumstances where there was a risk that demand was not being met or the landbank would not be maintained at the end of the Plan period. Consequently, I see no convincing reason to depart from the basis of the supply figures outlined above and I conclude that the Plan, as modified, adequately identifies the required provision for sand and gravel over the Plan period.

Carstone

61. **MM36, MM37, MM38, MM39** and **MM40** provide factual updates to paragraphs MP1.11, MP1.12, MP1.13, MP1.14 and MP1.15 of the Plan respectively to reflect the most recently available published data found within the 2022 LAA.
62. Paragraph MP1.11 identifies that the sub-national guidelines are for Norfolk to produce 200,000 tonnes of carstone per annum. **MM36** modifies the text to explain that in the last 10 years (2013- 2022) carstone production has been 69% of the sub-national guideline. **MM37** updates the figure for the average carstone production over the last 10 years (2013- 2022) to 80,984 tonnes per annum (tpa). **MM38** updates the figure for the average carstone production over the last 3 years (2013- 2022) to 98,321tpa. **MM39** updates the level of permitted reserves of carstone as at 31 December 2022 to 1.423mt.
63. Paragraph MP1.15 sets out the calculation of the forecast need for carstone over the Plan period. **MM40** provides for a 10% buffer of 0.089mtpa to the 10-year average sales in order to accommodate future growth to give a requirement of the 16 years from the end of 2022 to 2038 of 1.424mt. The MM identifies that, taking into account permitted reserves, there would be a forecast shortfall of 1,000 tonnes over the Plan period.
64. The above MMs are necessary to reflect the most up to date LAA and in order for the Plan to be justified, effective and positively prepared. The shortfall identified is also used to inform Policy MP1 (Provision for minerals extraction).

Silica sand

65. Silica sand is an industrial mineral extracted in Norfolk which is used for glass manufacture and requires a significant amount of processing prior to being suitable for onward shipment to glass manufacturers. The silica sand currently extracted in Norfolk is processed at an existing plant site, located at Leziate, and includes a rail head to transport the processed mineral. The NPPF requires that a stock of permitted reserves of silica sand should be at least 10 years production for individual silica sand sites. Footnote 78 of the NPPF advises that

if significant new capital (at existing or new plant) is required, then stocks for at least 15 years production should be planned for.

66. Paragraph 1.18 considers the average silica sand production in Norfolk over the last 10 years (2011–2020) and the last 3 years (2018-2020). **MM41** provides an update to the figures contained within this paragraph to reflect the more recently available published data in the 2022 LAA. This identifies that average silica sand production over the last 10 years (2013-2022) was 825,643tpa and 792,338tpa over the last 3 years.
67. Although the 10 and 3 year average sales data is provided to the MPA by the operator of the Leziate plant, annual silica sand production data is not supplied. Therefore, in order to forecast the need for silica sand production in Norfolk, the Plan utilises the maximum lawful throughput of the Leziate Processing Plant site, which is 0.754mtpa of raw silica sand. However, the Plan does not reflect the fact that there is potential for this throughput to be increased, subject to planning permission being granted. Therefore, in order to give flexibility, **MM41** also provides revisions to the text of paragraph MP1.18 to explain that the quantity of silica sand to be planned for will be at least the current maximum lawful or permitted throughput of any silica sand processing plant site or sites in Norfolk.
68. Paragraph MP1.20 sets out the calculation of forecast need for silica sand over the Plan period. **MM42** updates the figures contained therein to be commensurate with the 2022 LAA and to reflect recently granted planning permissions for two silica sand extraction sites. The revisions identify that the forecast need for silica sand over the Plan period is 12.064mt, reserves of 3.08mt and therefore a shortfall of 8.984mt which is equivalent to the need for 11.9 years' further supply over the Plan period. The shortfall identified is also used to inform Policy MP1.
69. The above MMs are also necessary to reflect the most up to date LAA and in order for the Plan to be justified, effective and positively prepared. The shortfall identified is also used to inform Policy MP1 (Provision for minerals extraction).

Policy MP1: Provision for Mineral Extraction

70. This strategic policy brings together the calculation forecasts for the above minerals in defining the provision for these minerals that the Plan needs to make over the Plan period. For sand and gravel and carstone, the policy identifies that the strategy is to allocate sufficient sites to meet the forecast need and maintain a landbank of at least 7 years' supply for sand and gravel and at least 10 years' supply for carstone.

71. Corresponding changes to the figures in the policy are necessary to be consistent with revised forecast for sand and gravel and silica sand provided by **MM33** and **MM42** respectively. With regard to sand and gravel, it does not provide flexibility to enable the consideration of proposals outside of allocated sites in circumstances where the landbank is not being maintained. **MM43** addresses these matters and is necessary for the Plan to be positively prepared, justified and effective.
72. Paragraphs MP1.25 and MP1.26 provide part of the supporting text to Policy MP1 in dealing with the approach to sand and gravel proposals outside of allocated sites. Modifications to both paragraphs are necessary to provide additional flexibility for planning applications that may come forward for sand and gravel extraction on unallocated sites in order to be consistent with the changes made to the policy as a consequence of **MM43**. For effectiveness, and to ensure that the Plan is positively prepared, further explanation is necessary in this regard which is provided by **MM44** and **MM45**.

Policy MP2: Spatial Strategy for minerals extraction

73. This policy identifies that specific sites for sand and gravel or carstone extraction should be located within five miles of one of Norfolk's urban areas or within three miles of one of the main towns and/or be well connected to these areas and towns by appropriate infrastructure.
74. The urban areas and main towns set out in Policy MP2 were identified from the settlement hierarchies defined in the Local Plans produced by Norfolk's Local Planning Authorities. Since the submission of the Plan, the position of other Norfolk Local Plans has changed with regard to the settlement hierarchies. The 'Statement on Spatial Strategy and Settlement Hierarchy – June 2024' (D11) provides a review of the settlement hierarchy contained within District Local Plans that have been recently adopted and those for which examinations are ongoing with adoption anticipated in 2025. In order to remain consistent with those local plans, **MM49** provides amendments to the urban areas and main towns identified in the policy.
75. With regard to silica sand, the policy as currently worded restricts new development to locations where there is a current known area of resource, as identified on the Key Diagram. In order to provide flexibility, **MM49** also provides for new sites to be considered in other locations where borehole data demonstrates a viable silica sand resource. It also requires any such site to be located where it can access the existing processing facility at Leziate or another processing facility if one was to be built.
76. Policy MP2 also sets out areas where mineral extraction should not occur. **MM49** also provides modifications to these identified areas to include the North

Norfolk Coast National Landscape, irreplaceable habitats, conservation areas or where harm would be caused to the significance of a designated heritage asset, including any contribution to significance by its setting. This MM is necessary for the Plan to be effective and consistent with national policy.

77. To reflect the above changes made to Policy MP2, corresponding changes are necessary to the supporting text. **MM46**, **MM47** and **MM48** provide the necessary changes to paragraphs MP2.1, MP2.4 and MP2.6 respectively and are necessary for effectiveness.

Policy MPSS1 – Silica sand extraction sites

78. Paragraphs MPSS1.1 – MPSS1.3 set out that specific allocations are made in the Plan for 4.1mt of silica sand resource but recognise that this is insufficient to meet the identified forecast need. These paragraphs also explain that there are currently no other specific sites or preferred areas available to allocate for silica sand extraction. This is primarily due to the proximity of RAF Marham to large parts of the resource and concerns raised by the Defence Infrastructure Organisation regarding bird strike as a consequence of open water restoration.
79. The potential to allocate sites, 'Preferred Areas' and 'Areas of Search' within the Leziate Beds silica sand resource has also been explored in the 'Silica Sand Topic Paper 2022' (B1). However, in addition to the constraints imposed by the proximity to RAF Marham, amongst other constraints, large parts of the resource are within the setting of the Norfolk Coast National Landscape, the impact risk zone for The Wash Site of Special Scientific Interest (SSSI), the hydrological catchment of the Roydon Common SSSI and Dersingham Bog SSSI, as well as being in proximity of a number of other SSSIs and heritage assets. Therefore, Areas of Search are not a deliverable method to use to plan for future silica sand extraction as the remaining areas are too fragmented to find an appropriately sized and viable area.
80. As a consequence of the above, Policy MPSS1 provides a criteria-based approach for the consideration of silica sand extraction on unallocated sites. The policy sets out a series of impacts and matters that should be addressed in any development proposals. **MM50** provides revisions to the text of the policy to enable the provisions of the policy to be applicable to any new processing plants that may come forward during the Plan period. It also requires development to have a stand-off distance from any foul sewer that crosses a site or provide for the diversion of the sewer and that the existing railhead at the Leziate processing plant should be accessed via conveyor, pipeline or off-public highway route. This MM is necessary for the Plan to be justified and effective.
81. Although, footnote 78 of the NPPF requires reserves of at least 15 years for silica sand site where new capital investment is required, there is no evidence

currently available to suggest with any certainty that significant capital investment to the Leziate plant is planned to occur during the Plan period or that a new processing plant will be constructed. Consequently, the Plan's approach in seeking to provide for 10 years permitted reserves of silica sand is sound.

Conclusion on Issue 2

82. Subject to the MMs identified above the Plan would maintain a steady and adequate supply of aggregates and industrial minerals. In this regard, the Plan is justified, effective and consistent with national policy and is thus soundly based.

Issue 3 – Whether the Mineral Extraction Sites proposed for sand and gravel, carstone and silica sand extraction are acceptable in planning and environmental terms and are deliverable.

83. As part of the 'call for sites exercise' undertaken in July 2017, mineral operators and landowners were invited to submit potential sites for sand and gravel, carstone and silica sand extraction. Each of the sites submitted was subject to SA. Appendix B of the SA (A3.4) provides appraisal tables of all submitted proposed mineral extraction sites and areas of search. The scoring factors used for the assessment of proposed minerals sites and areas is set out in Table 2 of the SA Report (A3.2). Section 6.3 of the Sustainability Report sets out the conclusions on the suitability of all sites and areas considered, including those sites proposed to be allocated and those proposed not to be allocated, including consideration of alternatives.
84. The information contained in the above documents provides an adequate and robust assessment methodology to determine how each site submitted satisfied, or otherwise, the requirements of the SA and were aligned to the Plan's objectives. The conclusions of this exercise are that 16 sites for sand and gravel extraction are allocated in the plan, one site for carstone extraction and two sites for silica sand.
85. The question arose during the examination whether the suitability of the site provided in Policy MIN 25 (Land at Manor Farm, Haddiscoe) as a potential allocation should be reassessed. However, given that the assessment methodology set out above is robust, there is no justifiable basis to suggest that this site should be reassessed or deleted from the Plan.
86. The Plan provides a summary table of the allocated sites ('Mineral Extraction Site') for each mineral type which contains details of the estimated total resource, the resource that would be available in the Plan period and the planning status of each site as a 31 December 2021. A 'Specific Site Allocation

Policy' for each allocated site sets out a number of relevant matters that will need to be addressed in the consideration of development proposals.

87. **MM60, MM61 and MM62** provide factual updates to the Mineral Extraction Site Tables with regard to the planning status of each site, as at 31 December 2023, and amendments, where necessary, to the resource assessments for each site, potential start dates and forecast need for the mineral. These MMs are necessary for the Plan to be justified. In addition, a number of MMs are necessary to several Specific Site Allocation Policies and supporting text and are considered below.

Policy MIN 12 - Land North of Chapel Lane, Beetley

88. The site is located over a secondary aquifer (superficial deposits) and a principal aquifer (bedrock). It is also located within a groundwater Source Protection Zone. To ensure that there would be no effect on water resources, the proposed site should be worked above the water table. **MM63** provides additional text to part 'i' of the policy requiring that the site must be worked dry (above the water table). This MM is necessary for effectiveness and also to ensure consistency with the supporting text in paragraph M12.16.

Policy MIN 51 / MIN 13 / MIN 08 – Land west of Bilney Road, Beetley

89. Most of the site is located over a secondary aquifer (superficial deposits) and the whole site is located over a principal aquifer (bedrock). It is also located within a groundwater Source Protection Zone. To ensure that there would be no effect on water resources, the proposed site should be worked above the water table. **MM64** provides additional text to parts 'g' and 'i' of the policy requiring that the site must be worked dry (above the water table) and that the restoration scheme should provide wet woodland around retained wetland areas. This MM is necessary for effectiveness and also to be consistent with the supporting text.

Policy MIN 96 – Land at Grange Farm, Spixworth

90. Additional text is necessary to part 'a' of the policy requiring that mitigation measures to protect the setting of nearby listed buildings should include landscaping, screen planting and/or bunding, particularly along the north-western and south-eastern site boundaries. Corresponding changes to the supporting text in paragraph M96.4 are also necessary to explain that such measures should be identified in a Heritage Statement. These are provided by **MM66** and **MM65** respectively, which are necessary for effectiveness and to ensure consistency with the NPPF, to clarify what appropriate mitigation measures would be necessary for the setting of heritage assets, as identified by Historic England.

Policy MIN SIL01 – Land at Mintlyn South, Bawsey

91. **MM67** provides additional text to part 'c' of the policy to include an additional heritage asset comprising the Grade II Font located against the south façade of White House Farm. This MM is necessary, to ensure consistency with the NPPF and for effectiveness, to clarify the relevant heritage assets to be considered in a development proposal.

Policy MIN 25 – Land at Manor Farm, Haddiscoe

92. Additional text is necessary to parts 'a' and 'c' of this policy. These are to ensure that site specific assessments should include a stand-off distance between the working area and sensitive receptors to air quality, noise or other amenity impacts and should propose appropriate mitigation measures (part 'a'). The additional text to part 'c' requires restoration to provide for the reinstatement of historic hedgerows and field boundaries informed by Historic Land Characterisation. **MM70** provides for the additional text and is necessary for effectiveness.
93. Corresponding changes to the supporting text in paragraphs M25.1 and M25.23 are also necessary. This is provided by **MM68** and **MM69**. These MMs are necessary for effectiveness.

Conclusion on Issue 3

94. When considered with the recommended MMs I am satisfied that the methodology for the identification of sites for sand and gravel, carstone and silica sand in the Plan is robust and that the identified sites are acceptable in planning and environmental terms and are deliverable. The Plan is therefore sound in this regard.

Issue 4 – Whether the Plan makes adequate provision for the encouragement of the use of secondary and recycled aggregates.

95. Strategic Objective MSO3 of the Plan seeks to encourage the sustainable use of minerals by utilising secondary and recycled aggregates to reduce the reliance on primary aggregates. Policies WP3 (Land suitable for waste management facilities) and WP4 (Recycling or transfer of inert construction demolition and excavation waste) provide an appropriate framework for the consideration of development proposals for facilities producing recycled aggregates.
96. Although this matter is discussed elsewhere in this report in relation to the consideration of waste management, the Plan does not adequately explain that the use of secondary and recycled aggregates should be taken into account

before considering the extraction of primary aggregates. **MM34** is therefore necessary for effectiveness to provide a new heading, 'Secondary and Recycled Aggregates', before the text of paragraph MP1.8 and also provide additional text to the paragraph to address this matter.

97. **MM35** also provides additional text to paragraph MP1.8 to ensure that the Plan reflects the latest published data for the quantity of inert and construction/demolition waste recovered at waste management facilities, as provided by the 2022 LAA. This MM is necessary for the Plan to be justified.

Conclusion on Issue 4

98. Subject to the MMs identified above, the Plan makes adequate provision for the encouragement of the use of secondary and recycled aggregates and is fully justified by the evidence, is soundly based and consistent with paragraph 216 (b) of the NPPF.

Issue 5 – Whether the Plan adequately balances the needs of competing development and makes adequate provision for the safeguarding of mineral resources, associated minerals infrastructure and waste facilities.

99. National policy requires MSAs and Mineral Consultation Areas (MCAs) to be defined in order that known locations of mineral resources of local and national importance are not needlessly sterilised by non-mineral development. Within Norfolk, the mineral resources to be safeguarded comprise sand and gravel, carstone and silica sand. For safeguarding mineral resources, the Plan identifies that the MCAs are the same defined area as the MSAs.
100. The boundaries of the MCAs/MSAs are identified on the Policies Map (A2.1) which constitute the extent of known reserves plus a 250m buffer. Policy MP11: 'Mineral Safeguarding Areas and Mineral Consultation Areas' provides for the MPA to be consulted on all proposals for non-mineral development which would occur within MSAs, subject to several exceptions of development types that are identified in Appendix 4 of the Plan.
101. Similarly, Policy MP10: 'Safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials' also provides for the MPA to be consulted on proposals, subject to the exceptions set out in Appendix 4, for development within 250m of such facilities.
102. The safeguarding of waste management facilities is also necessary to protect them from other forms of development which might either directly or indirectly impact upon the facility. Policy WP17: 'Safeguarding waste management facilities' provides for the WPA to be consulted on proposals, subject to the

exceptions set out in Appendix 4, for development within 250m of a waste management facility with a permitted input of over 20,000 tonnes per annum. It also requires consultation on development proposals within 400m of a key Water Recycling Centre (WRC), or within 15m of a waste water pumping station.

103. The policies above and the respective supporting text adequately explain how the 'agent of change' principle will be applied in the consideration of development proposals located within the buffer zones identified above. The policies require any such proposals to be accompanied by a Mineral Resource Assessment (MRA) , Minerals Infrastructure Impact Assessment (MIIA) or a Waste Management Facilities Impact Assessment (WMFIA) accordingly.
104. Whilst the above policies provide an appropriate framework that supports the objectives of the Plan for the safeguarding of mineral resources, mineral sites and associated infrastructure from non-minerals development and waste facilities from non-waste development, the rationale for the use of the buffer zones is not adequately explained. **MM58** provides additional text to paragraph MP11.4 of the Plan to explain such rationale and is necessary for the Plan to be justified.

Conclusion on Issue 5

105. When considered with the recommended MM, the Plan appropriately balances the needs of competing development and makes adequate provision for the safeguarding of mineral resources, associated minerals infrastructure and waste facilities.

Issue 6 – Whether the Plan's overall approach and policies in relation to site restoration are justified, effective and consistent with national policy.

106. Policy MP7 of the Plan requires that new mineral working areas and extensions to existing sites must be accompanied by a scheme for the phased and progressive working and restoration of the site to ensure that all worked land is restored at the earliest opportunity. However, the policy does not adequately identify that restoration should positively contribute to the Local Nature Recovery Strategy, as introduced by the Environment Act 2021, and the Nature Recovery Network. Neither does it provide for a minimum of 10% measurable biodiversity net gain and ensure that restored landscapes are informed by the relevant local Landscape Character Assessment and Historic Landscape Characterisation.
107. In addition, the policy does not identify that restoration proposals should consider the implications of flood risk and demonstrate that there will be no

increase in flood risk from pre-development scenarios and that opportunities for improvements in flood management will be sought. **MM54** addresses the above matters and is necessary to ensure that the policy is effective and consistent with national policy and legislation.

108. A corresponding change to the supporting text of Policy MP7 is also necessary to explain the role of local Landscape Character Assessments in designing proposed new landscapes as part of mineral restoration schemes. This is addressed by **MM53** which is necessary for the Plan to be effective.
109. Where proposed restoration following mineral extraction is to agriculture, forestry, amenity, ecological after-use or includes a geological exposure, Policy MP8 provides the basis for an outline aftercare strategy to be submitted with mineral development proposals. This should set out the land management regime to bring the restored land up to the required standard for the intended after-use.
110. However, the policy does not adequately distinguish that an outline aftercare strategy for five years is required for restoration to agriculture and that an outline aftercare strategy of at least five years is required where restoration to the other land uses identified above is proposed. In addition, the policy does not explain that annual management reports, where necessary, will require to be submitted to the MPA for the duration of the aftercare period. In this regard the policy is inconsistent with the provisions of the supporting text. **MM57** provides for additional text to the policy to address these matters and is necessary for the Plan to be effective.
111. The supporting text to Policy MP8 does not explain how the provision of an aftercare period beyond five years would be secured. In this regard, the Plan is inconsistent with the provisions of Schedule 5 of the Town and Country Planning Act 1990 as the MPA cannot require any steps to be taken after the end of a five-year aftercare period without the agreement of the minerals operator. **MM56** provides additional supporting text to explain that a legal agreement would be normally used to secure an aftercare period greater than five years and the provision of annual management reports for the duration of the extended period. This MM is necessary for the plan to be effective and consistent with national policy and legislation.
112. A consequential change, involving the re-ordering of the existing supporting text in paragraphs MP8.1 and MP8.2 is necessary to appropriately explain that aftercare arrangements for an arable agricultural after-use can entail a particular pattern of cultivation over the five-year aftercare period. This is provided by **MM55** and is necessary for the Plan to be effective.

Conclusion on Issue 6

113. Subject to the MMs identified above, the Plan's overall approach to site restoration is effective, consistent with national policy and justified.

Issue 7 – Whether the Plan's overall approach and policies in relation to waste that needs to be managed in the Plan area over the Plan period are robust, justified, effective and consistent with national policy.

114. The overall objective of the Plan is to deliver a net self-sufficiency in waste management capacity within the Plan area and move the treatment of waste up the waste hierarchy. The Waste Management Capacity Assessment 2022 (B2) provides an appropriate and robust evidence base to identify future waste management needs in Norfolk. This assesses existing waste management capacity at facilities in the County, considers the movements of waste to and from Norfolk and forecasts the waste quantities likely to arise during the Plan period. The Assessment uses a variety of data sources including the Environment Agency Waste Data Interrogator, the East of England Forecasting Model and Norfolk's Local Planning Authorities' planned housing trajectories.
115. The Assessment demonstrates that sufficient waste management capacity already exists to accommodate the forecast growth in waste arisings over the Plan period. However, the waste management data contained in the Plan considers the position as at 2020/21 and does not reflect the data contained within the 2022 Assessment nor does it reflect the planning permissions that have been granted for additional waste management facilities up to the submission of the Plan for examination.
116. **MM16** provides a revised figure in paragraph W0.13 to identify that approximately 3.755 million tonnes of capacity per annum exists for the treatment and processing of waste within the Plan area, thereby replacing the 3.534 million tonnes of capacity currently quoted. **MM18** provides revisions to the data contained within paragraph W1.10 in order to be consistent with the latest published data contained within the 2022 Assessment and to reflect that new planning permissions granted in 2023 provide an additional 0.2mt waste management capacity per annum. These MMs are necessary for the Plan to be justified.
117. A consequential amendment, **MM17**, to the text of paragraph W0.16 is necessary to reflect the fact that facilities in Norfolk have the annual throughput capacity to manage a greater quantity of hazardous waste than arises in the County. This MM is necessary for the Plan to be justified.

118. As a consequence of the healthy position on waste management capacity, the Plan does not allocate any new sites for the management of waste. However, it recognises that development proposals for waste management facilities may still come forward during the Plan period which would likely contribute to moving waste management up the waste hierarchy and help meet any market demand. Consequently, the Plan includes a number of strategic policies (WP1, WP2 and WP3) and criteria-based policies (WP4 – 15) for the consideration of new waste management proposals.
119. Policy WP2 sets out a spatial strategy for the location of new waste facilities and requires these to be located in proximity to Norfolk's urban areas and main towns, which are identified in the policy. It also sets out the environmental and historic designations that would, in principle, preclude sites being considered acceptable for new waste management facilities within or in proximity of such designations.
120. The urban areas and main towns set out in Policy WP2 were identified from the settlement hierarchies defined in the Local Plans produced by Norfolk's Local Planning Authorities. As explained earlier, since the submission of the Plan, the position of other Norfolk Local Plans has changed with regard to the settlement hierarchies. In order to remain consistent with those local plans and therefore to ensure effectiveness, **MM20** provides amendments to the urban areas and main towns identified in the policy.
121. **MM20** also expands the list of environmental and historic designations to include irreplaceable habitats and conservation areas. It also amends the text with regard to designated heritage assets in order to be consistent with Section 16 of the NPPF by identifying that development proposals should not be located where harm would be caused to the significance of a heritage asset, including any contribution to significance made by its setting. The MM also makes provision for exceptional circumstances for the consideration of waste management development proposals that would be located at a greater distance from an urban area or main towns. It sets out that such facilities should be located within three miles of the source of the waste or the destination of the recovered waste material. This MM is necessary for the Plan to be justified, effective and consistent with national policy.
122. **MM19** provides a corresponding amendment to paragraph W2.2 of the supporting text to Policy WP2 to ensure that the urban areas and main towns identified therein are consistent with the revisions made to the policy as a consequence of **MM20**. This MM is necessary for effectiveness in order to ensure conformity with the policy.
123. Strategic Policy WP3 sets out the land uses that would be considered suitable for new waste management facilities and includes, amongst others, land in

existing use as, or allocated for, general industrial or storage and distribution uses. However, the policy does not clearly identify that such land uses would only be suitable for facilities that would manage non-hazardous waste. In addition, with regard to WRCs, the policy does not identify that new facilities should be principally to manage waste arisings from the WRC only. **MM21** addresses these matters and is necessary for the Plan to be effective.

124. Policy WP4 provides a criteria-based approach for the consideration of development proposals for the recycling or transfer of inert construction, demolition and excavation waste. However, it is not sufficiently clear that the provisions of the policy also apply to proposals for the treatment of waste to produce recycled aggregates. Whilst no modifications to the policy are necessary, in order to ensure effectiveness, **MM22** provides for a new supporting paragraph to explain that its provisions are also applicable to development proposals for the production of recycled aggregates. This MM is necessary for effectiveness.
125. Policy WP7, and supporting text, sets out the approach to the consideration of proposals for Household Waste Recycling Centres. However, the policy does not identify how the amenity impacts from such development can be mitigated. In the interests of effectiveness, **MM23** provides an amendment to ensure that such developments “will” only be acceptable within purpose designed or suitably adapted facilities.
126. The Plan recognises that as resources become scarcer, the potential value in previously disposed waste is gaining interest involving the extraction of materials from historic landfill sites through a process known as Landfill Mining. Policy WP13 provides a criteria-based approach for the consideration of development proposals for Landfill Mining. However, **MM24** is necessary for effectiveness to provide an additional criterion that requires such proposals to demonstrate that there will be biodiversity, landscape, historic environment or amenity benefits.
127. Policy WP14 provides a criteria-based approach for the consideration of development proposals for new or extended WRCs or supporting infrastructure. **MM25** provides an additional criterion that enables support for proposals that are necessary to comply with new legislation or are necessary to incorporate climate change adaptation and mitigation measures. In addition, the MM also requires new development to, where appropriate, demonstrate the contribution that it would make to water quality improvement. This MM is necessary for the Plan to be effective and consistent with national policy.
128. The Whitlingham WRC, located to the south of Norwich, is the largest such plant in Norfolk. The Plan recognises that further improvements to this facility will be necessary over the Plan period in order to enable the successful delivery

of planned growth within Greater Norwich. Given the strategic importance of the facility, Policy WP15 provides a criteria-based approach for the consideration of development proposals specifically related to this facility only. **MM28** is necessary for effectiveness to provide additional text to the policy requiring that any development proposals be accompanied by, and be consistent with, a medium-term strategy for the WRC.

129. Corresponding changes are necessary to the supporting text to Policy WP15 to reflect the modifications made as a consequence of **MM28**. Additional supporting text explains that the medium-term strategy should cover a period of at least 5 years and set out the scope and content of the strategy. These are provided by **MM26** and **MM27** which are necessary for the Plan to be effective.

Conclusion on Issue 7

130. Subject to the MMs identified above, the Plan's overall approach and policies in relation to waste that needs to be managed in the Plan area over the Plan period are robust, justified, effective and consistent with national policy. The Plan is therefore sound in this regard.

Issue 8 - Whether the policies for minerals and waste management strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment and are they justified, effective and consistent with national policy

131. The Plan contains a number of policies (Policies MW1 to MW5) that collectively seek to control impacts from future minerals and waste development. Apart from Policy MW5 (Agricultural Soils), which is sound without modification, the remaining policies are considered below.

Policy MW1: Development Management Criteria

132. This is the general development management criteria policy which sets out that mineral and waste management development will be acceptable subject to demonstration that a proposal would not have an unacceptable impact on a list of criteria set out in the policy. Whilst criterion 'h' requires that development should not have an unacceptable impact on the appearance, quality and character of the landscape, it does not identify that consideration also needs to be given to intrinsically dark landscapes.
133. Criterion 'm' of the policy is inconsistent with the advice contained within Historic England's Good Practice Advice Note in Planning 1 'The Historic Environment in Local Plans' which recommends that it is useful for local plans to provide

clarity on how proposals affecting archaeological assets of less than national importance should be considered. It is also inconsistent with the SoCG agreed with Historic England (A18) in that the policy does not identify that the preferred mitigation for developments affecting archaeological assets of less than national importance will be through the preservation of the archaeological remains in situ. Where in situ preservation is not justified, adequate provision must be made for excavation and recording including subsequent analysis, publication and archive deposition before or during development.

134. Although the policy identifies that mineral and waste management development proposals should provide biodiversity net gain, it does not quantify that a minimum measurable 10% biodiversity net gain should be provided and that development should contribute to the delivery of the national Nature Recovery Network objectives. As such, the policy is inconsistent with the provisions of the Environment Act 2021.

135. **MM05** addresses all of the above matters and is necessary for the Plan to be effective and consistent with national policy and legislation.

Policy MW2: Transport

136. This policy sets out a criteria-based approach to the consideration of sustainable transportation which, amongst other things, requires developers to consider alternatives to road transport and ensure that there is no unacceptable adverse impact on the safety, capacity and use of the highway network. The policy requires planning applications for minerals development, where appropriate, to be accompanied by a Transport Statement or Transport Assessment and sets out a number of matters that need to be demonstrated in the content of these.

137. Criterion 'd' of the policy sets out that mineral and waste developments should not generate unacceptable physical impacts on the highway network. However, as currently worded, this criterion is vague and does not make provision for mitigation measures to be provided and taken into account.

138. Policy MW3 (Climate change, mitigation and adaptation), which is considered below, also requires transportation related to mineral and waste development to demonstrate a reduction in carbon emissions and incorporate sustainable travel arrangements in proposals for new development. Although the Plan should be read as a whole, the consideration of sustainable travel and reductions in carbon emissions would more appropriately be addressed in a Transport Statement or Transport Assessment, as required by the provisions of Policy MW2.

139. **MM06** addresses these matters and provides clearer text in relation to highway mitigation measures and provides a linkage between the provisions of Policy MW2 and MW3 in relation to the consideration of sustainable travel and reduction in carbon emissions in development proposals. This MM is necessary for the Plan to be effective.

Policy MW3: Climate change mitigation and adaption

140. This policy requires development proposals to take a proactive approach to mitigating and adapting to climate change and sets out a number of criteria that proposals will be expected to demonstrate, such as, amongst other things, the use of sustainable drainage systems, energy efficiency in building design and rainwater harvesting.

141. Criterion 'c' of the policy requires development proposals to demonstrate the use of renewable energy and, amongst other things, source the electricity required from renewable sources from an energy supplier. However, the policy is not clear as to how the use of renewable energy should be demonstrated. Furthermore, in entering into a contractual arrangement with an energy supplier it cannot be guaranteed that energy supplied would be exclusively from renewable sources.

142. Criterion 'e' of the policy requires development proposals to take account of potential changes in climate but provides no further information of what such changes comprise and therefore what should be demonstrated.

143. In the interests of effectiveness, **MM07** addresses these matters and requires development proposals to be accompanied by an energy, climate change and sustainability statement and deletes reference to the requirement for the source of electricity to be from renewable sources from an energy supplier. The MM also explains that in considering potential climate change, surface water runoff, flood risk and groundwater levels should be taken into account.

Policy MW4: The Brecks Protected Habitats and Species

144. The Brecks covers approximately 39,434 hectares of heathland, forest and arable farmland that is designated as a Special Protection Area (SPA) and is an important habitat for a range of ground nesting birds, including the Stone Curlew, Woodlark and Nightjar. The East of England supports approximately 65% of the UK's breeding pairs of Stone Curlew with most breeding occurring within The Brecks. The rich biodiversity of the Brecks is also recognised through other statutory conservation designations including four Special Areas of Conservation (SACs), numerous SSSIs and National Nature Reserves.

145. Policy MW4 sets out that development will only be permitted where sufficient information has been submitted to demonstrate that the proposal will not adversely affect the integrity of the SPA or SAC. A buffer zone that extends 1500m from the edge of those parts of the SPA that support, or are capable of supporting, Stone Curlew is required in the policy where new built development (including mineral plant and processing sites) is identified as being likely to significantly affect the SPA population. Such development will not normally be permitted. The policy also sets out that built development within 400m of the SPA that support, or are capable of supporting, Woodlark and/or Nightjar will not normally be permitted.
146. The current wording of the policy and supporting text does not accord with that agreed with Natural England in the SoCG (A20). In addition, Map 2 identifies the extent of the 1500m buffer for Stone Curlew as a 'Protection Zone'. The Map also identifies a 'Mitigation Zone' for Stone Curlew but neither the policy nor the supporting text provides any clear guidance of the nature, extent or requirement for mitigation.
147. **MM08, MM09, MM10, MM11, MM12, MM13** and **MM14** provide the necessary modifications to the policy and supporting text to ensure consistency with the wording agreed with Natural England in the SoCG. **MM15** provides for modifications to MAP 2 to delete the mitigation zone for Stone Curlew and amend the map title to 'Stone Curlew Protection Zones'. All of these MMs are necessary for the Plan to be effective and consistent with national policy.

Other Policies

148. The Plan contains a number of other policies (MP3, MP4, MP5, and MP9) that have not been considered in other sections of this report. These relate to specific aspects of minerals development only. Policies MP3 (Borrow Pits), MP4 (Agricultural or potable water reservoirs) and MP9 (Asphalt plants, concrete batching plants and the manufacture of concrete products) are sound without modification.
149. Policy MP5 relates to Core River Valleys which constitute a very important and valued element of the County's landscape, the location of which are identified on the Policies Map. The policy sets out that minerals development will only be permitted in Core River Valleys subject to a number of criteria being met. A number of additions to the policy are necessary for effectiveness and to ensure consistency with national policy. Additional text is necessary to ensure that landscape enhancements are consistent with the relevant local Landscape Character Assessment and that proposals should enhance the historic environment and provide measurable biodiversity net gain of the river valley. **MM52** provides the necessary modifications.

150. A corresponding change to the supporting text of Policy MP5 is also necessary to explain that an assessment of the impacts from mineral development will need to consider the consistency with the relevant local Landscape Character Assessment and that working, restoration and after-use of minerals development within Core River Valleys must also comply with the requirements of Policy MP7 (Progressive working, restoration and after-use). These are addressed by **MM51** which is necessary for the Plan to be effective.

Conclusion on Issue 8

151. Subject to the identified MMs, the policies for minerals and waste management strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment. They are justified, effective and consistent with national policy.

Issue 9 - Whether the implementation and monitoring of the Plan will be effective.

152. The 'Implementation, Monitoring and Review' section of the Plan comprises the monitoring framework that lists the key performance indicators, targets and information sources to be used to monitor the effectiveness of the Plan. It also identifies the relevance of each performance indicator to the Objectives of the Plan.

153. The Plan provides for Annual Monitoring Reports to be prepared to enable assessments to be made of the impacts of the policies and for reviews to take place should any parts of the Plan be found to need adjustment or replacement. LAAs also provide a monitoring mechanism specific to aggregate minerals.

154. Whilst the monitoring framework includes target indicators, it does not include intervention actions should the monitoring identify that the targets are not being met. In addition, the monitoring framework does not adequately consider the extent to which the policies secure that the development and use of land in the Plan area contributes to the mitigation of, and adaptation to, climate change.

155. **MM59** provides for the necessary modifications to address the above matters. This MM provides for "intervention actions" to be added to each indicator as an additional column to the monitoring table. It also provides for a new indicator that would monitor the percentage of planning applications determined per annum that are compliant with Strategic Policy MW3 of the Plan in relation to climate change mitigation and adaptation. This MM is necessary for the Plan to be effective.

Conclusion on Issue 9

156. Subject to the recommended MM, the Implementation, Monitoring and Review section of the Plan is effective and therefore the Plan is sound in this regard.

Overall Conclusion and Recommendation

157. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend that it not be adopted as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the issues set out above.

158. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the Duty to Cooperate has been met and that, with the recommended main modifications set out in the Schedule of Main Modifications in the Appendix, the Norfolk Minerals and Waste Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Stephen Normington

Inspector

This report is accompanied by an Appendix containing the Main Modifications.