

# Norfolk Minerals and Waste Plan Examination 2024

**Main Matter 3: Whether the Plan makes adequate provision for the steady and adequate supply of aggregate and industrial minerals**

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## Document Control Sheet

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## Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.2	Is the basis for the calculation of the future demand for sand and gravel, carstone and silica sand clear and robust enough in order to provide an appropriate basis for determining future demand? .....	1
1.3	Is the application of an additional 10% to the 10-year average sales figures sufficient to predict the forecast need for sand and gravel and carstone over the Plan period? .....	2
1.4	To what extent does the Local Aggregate Assessment for calendar year 2022 (Published February 2024) have any effect on the calculation of the future demand for sand and gravel, carstone and silica sand .....	2
1.5	Does the calculation of the forecast need for sand and gravel, carstone and silica sand adequately reflect the need to maintain a relevant landbank at the end of the Plan period? .....	2
1.6	Is Policy MP1 consistent with NPPF paragraph 214 and footnote 74?.....	2
1.7	Should Policy MP1 be more explicit about the need to maintain landbanks at the end of the Plan period? .....	2
1.8	In considering mineral extraction proposals for sand and gravel outside of allocated sites, should Policy MP1 provide a degree of flexibility by referring to the need to demonstrate shortfalls in meeting demand or failure to maintain the landbank would be contributing factors to justify the proposals?.....	3
1.9	Is Policy MP2 in relation to silica sand unduly restrictive regarding the need for new sites to be located where they are able to access the existing processing plant and railhead at Leziate? .....	3
1.10	Does the Plan adequately justify why an “Area of Search” approach for silica sand has been discounted, particularly as the sites proposed to be allocated would not meet the forecast demand and in circumstances where the Area of Search approach was adopted in the Silica Sand Review in 2017? .....	5
1.11	Does the Plan adequately explain the relationship and application of Policies MP2 and MPSS1 in relation to silica sand? .....	5

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# 1 Introduction

- 1.1.1 The following document responds to Main Matter 3 identified by the Planning Inspector in relation to the examination of the Norfolk Minerals and Waste Local Plan Publication Version.
- 1.1.2 Issue: Whether the provision made in the Plan for the future supply of aggregate and industrial minerals would deliver a steady and adequate supply.

## 1.2 Is the basis for the calculation of the future demand for sand and gravel, carstone and silica sand clear and robust enough in order to provide an appropriate basis for determining future demand?

1.2.1 In relation to silica sand and paragraphs MP1.16 to MP1.20 of the published plan, Sibelco considers that the basis for calculation for silica sand is not justified or effective and therefore is considered unsound.

1.2.2 The basis for calculation should be based on sales data. This is advocated through planning practice guidance Paragraph: 090 Reference ID: 27-090-20140306 which states:

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

1.2.3 Sibelco contends that Norfolk County Councils imposition of a condition on a certificate of lawful use restricting plant throughput is not lawful nor is it a sound basis for calculating the required landbank. It is completely at odds with market practices.

1.2.4 Using this arbitrary throughput figure of 754,154 tonnes is not representative of the sales output of the site and therefore the silica sand demand. Using a 10 year average is a sound method as it provides greater clarity on sales output over the ‘at least 10 years’ required by national policy for individual silica sand sites.

1.2.5 To ensure the plan is justified, effective and thus meets the test of soundness the forecast of need for silica sand should be calculated based on the last 10 years of sales from the Leziate Plant Site and therefore the calculation would read as follows:

*The last 10 years sales figures (2012 to 2021) for the Leziate Plant Site is 807,548 tonnes per annum silica sand.*

*The forecast need for silica sand from 2021 – 2038 is therefore 807,548 tpa x 18 years = 14,535,864 million tonnes.*

1.2.6 Sales of specialist glass sands have increased gradually in recent years with the 3 year average for the Leziate Plant Site being 829,000 tonnes per annum.

1.2.7 Silica sand is a vital component of the UK economy and the importance of its production should not be understated.

1.2.8 The Leziate Plant site is significant in terms of supply to the colourless container glass and flat glass manufacturing industries with its annual output representing 20% of national supply (circa 829,000 tonnes out of 4.2m produced)

**1.3 Is the application of an additional 10% to the 10-year average sales figures sufficient to predict the forecast need for sand and gravel and carstone over the Plan period?**

1.3.1 Sibelco make no representations to this question.

**1.4 To what extent does the Local Aggregate Assessment for calendar year 2022 (Published February 2024) have any effect on the calculation of the future demand for sand and gravel, carstone and silica sand**

1.4.1 In respect of silica sand it further evidences that the silica sand sales from Leziate have steadily increased over the 10 year period and that demand is not being met with identification of sufficient resources to sustain future production.

1.4.2 The assessment further advocates the need to calculate the basis of the silica sand requirement for the plan period upon sales as opposed to an arbitrary figure which the Local Authority has tried to impose on a production site.

**1.5 Does the calculation of the forecast need for sand and gravel, carstone and silica sand adequately reflect the need to maintain a relevant landbank at the end of the Plan period?**

1.5.1 In respect of silica sand the forecast need evidences the requirement to consider maintaining a landbank at the end of the plan period. As drafted Policy MP1 does not adequately do this and is therefore not effective or consistent with National Planning Policy.

1.5.2 Silica sand from Norfolk contributes towards national supply with Norfolk being a key producer of silica sands. The Leziate Plant Site accounts for 20% of National silica supply which is a significant volume. If economically viable sands are found within Areas of Search in Norfolk and can be brought forward in accordance with the Development Plan then the Plan policies should be consistent with National Policy to enable this in a positive manner as emphasised by the NPPF.

**1.6 Is Policy MP1 consistent with NPPF paragraph 214 and footnote 74?**

1.6.1 Policy MP1 is not consistent with NPPF para 214 and footnote 74 and as drafted is inconsistent with national policy. It therefore follows that policy MP1 is not effective and as drafted is unsound.

1.6.2 Policy MP1 needs to be redrafted to account for silica sand requirement as identified in section 1.2 of this response.

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

**1.7 Should Policy MP1 be more explicit about the need to maintain landbanks at the end of the Plan period?**

1.7.1 Yes, Policy MP1 should have additional text to accommodate the need to maintain a landbank at the end of the plan period. The evidenced National need for silica sand and ongoing demand

**1.8 In considering mineral extraction proposals for sand and gravel outside of allocated sites, should Policy MP1 provide a degree of flexibility by referring to the need to demonstrate shortfalls in meeting demand or failure to maintain the landbank would be contributing factors to justify the proposals?**

1.8.1 This would be helpful and provide a more effective policy.

**1.9 Is Policy MP2 in relation to silica sand unduly restrictive regarding the need for new sites to be located where they are able to access the existing processing plant and railhead at Leziate?**

1.9.1 Paragraph 209 of the NPPF states:

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

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

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

1.9.4 Paragraph 210 of the NPPF states:

*“Planning policies should:*

*a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;...*

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

1.9.6 Fundamentally it does not meet the requirement of Paragraph 210 of the NPPF which states that planning policies should provide for the extraction of mineral resources. Indeed, Paragraph 23 of the NPPF is clear that strategic policies should provide a clear strategy for bringing forward sufficient land to address objectively assessed need. This policy does not do this, but rather attempts to set out a principle that silica sand resources are not located in areas acceptable for extraction. This means that the policy is not positively prepared, justified, effective or consistent with national policy. It is important to note that Norfolk is one of the only areas in England

processing sand capable of colourless glass manufacture. This damaging rhetoric and reckless approach to policy making threatens the viability of the nation's glass industry, using a set of baseless principles that would be liable to legal challenge.

- 1.9.7 The policy as drafted serves no basis and should be re-evaluated in light of the above-mentioned policies and PPG. Paragraph: 008 Reference ID: 27-008-20140306 of the PPG states:

*“Mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):*

*1. Designating Specific Sites – where viable resources are known to exist, landowners are supportive of minerals development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;*

*2. Designating Preferred Areas, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or*

*3. Designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.*

*National Park Authorities are not expected to designate Preferred Areas or Areas of Search given their overarching responsibilities for managing National Parks.*

*Furthermore, in exceptional circumstances, such as where a local authority area is largely made up of designated areas such as Areas of Outstanding Natural Beauty, it may be appropriate for mineral planning authorities to rely largely on policies which set out the general conditions against which applications will be assessed.*

*In planning for minerals extraction, mineral planning authorities are expected to co-operate with other authorities”.*

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

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



especially as these areas were deemed acceptable for inclusion and proposed allocation within the Norfolk Minerals and Waste Local Plan Review Preferred Options.

1.9.9 The policy should be deleted and replaced with the following wording:

To help meet the at least 14.54 million tonne silica sand requirements for the Plan period as identified in in Policy MP1, the following hierarchy of resource delivery will apply:

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

**1.10 Does the Plan adequately justify why an “Area of Search” approach for silica sand has been discounted, particularly as the sites proposed to be allocated would not meet the forecast demand and in circumstances where the Area of Search approach was adopted in the Silica Sand Review in 2017?**

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

1.10.2 Our response above evidences how this approach is unsound.

**1.11 Does the Plan adequately explain the relationship and application of Policies MP2 and MPSS1 in relation to silica sand?**

1.11.1 No the plan is not legally compliant or sound in relation to both of these policies.

1.11.2 The supporting text to MPSS1 makes a number of assumptions without evidence and quite fatally disregards the fact that minerals can only be worked where they are found. In particular, the policy is dismissive in relation to silica sand being a mineral of national importance. It follows that there will be a number of potential sites either within or in close proximity to designated areas that may be acceptable for mineral extraction upon balance. However, the Council's approach is to blanket dismiss areas and hide behind designations is a flawed understanding of what they are intended for.

1.11.3 Policy MP2 has a complete disregard for a hierarchical approach which should be adopted consistent with Planning Practice Guidance and the Authorities previous approach to mineral site allocations.

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

1.11.5 We suggest that a hierarchy of delivery to properly set out a spatial strategy for silica sand development is included to properly plan for the forecasted need for silica sand. This will help

to ensure development of mineral resources to directed to more acceptable locations. It is consider that the criteria -based approach could in fact have the opposite approach given the incoherence of the silica sand policies both in approach and wording.

