

Statement on behalf of the **Mineral Products Association (MPA)**.

Independent Examination of the Norfolk Minerals and Waste Local Plan.

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

**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. 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?*

Not in our view which we will expand on later.

*2. 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?*

There appears to have been no attempt to forecast as required by required by the NPPF (para 213 a)). This is a criticism of many LAAs. The 10-year average is backward looking and may include significant periods of low sales. Adding an arbitrary % uplift to such figures will not pick the requirement for increase demand, for example if a significant infrastructure project is proposed in the market area. At the very least projected housing figures are known and this could be used as a proxy for demand on the basis approximately 25% of aggregate demand goes on housing and the remaining 75% goes to infrastructure and commercial development . If this proxy was used and then 10% added this would be more appropriate.

*4. 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?*

No, and we made this point in our comments on the draft Plan and suggested wording to be added to policy MP1 to deal with the issue.

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

No. Paragraph 214 of the National Planning Policy Framework (NPPF) states:

*“Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:... c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.”*

Footnote 74 states:

*“These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.”*

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.

The calculation of forecasted need is not consistent with national policy. Whilst there is no guidance on how this should be calculated for the purposes of plan making, Paragraph: 090 Reference ID: 27-090- 20140306 of Planning Practice Guidance (PPG) provides guidance for how this should be calculated at the point of planning application submission:

*“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.”*

No reference is made to the permitted throughput of a processing site. Indeed the ‘throughput’ of a particular site does not determine the sales made from the site. National policy makes the clear distinction that sales should be used to determine the level of permitted reserves required as the processing of raw mineral results in waste unsuitable for sale.

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

Yes, for the avoidance of doubt and clarity. Suggested wording was put forward by the MPA in its response to the draft Plan.

*7. 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?*

This would be helpful.

*8. Should the Plan provide any distinction and/or protection for the use of carstone as dimension stone, particularly in relation to its use in conservation work and to maintain local vernacular, as opposed to its use as crushed rock?*

This will be helpful as building stone is often the Cinderella when it comes to mineral planning. NPPF has been adjusted to support building stone further by removing the reference to *small scale* which was often incorrectly used to limit extraction operation in mineral plans. In terms of protection the NPPF requires all known mineral resources to be safeguarded and building stone is recognised as a mineral resource of local and national importance in the NPPF Glossary.

*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?*

Yes.

Policy MP2 is not legally compliant or sound. 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.”*

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 existing processing plant which might mean that the only viable or the most sustainable option is to build a new processing plant or warehousing facility. This 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.

Furthermore, there is very little basis for the remainder of the spatial strategy, which simply states areas 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 mentioned 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.

Paragraph 23 of the NPPF states:

*“Broad locations for development should be indicated on a key diagram, and landuse designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these 5 needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or nonstrategic policies).”*

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;...*

The reasoning for removing Areas of Search from the plan is unequivocally flawed. Especially as the 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.

The draft Plan approach 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.

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.”*

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 NCC policy making:

- In his examination of the Norfolk County Council Minerals Site Specific Allocations DPD (2017) the Inspector found that 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 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.

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.***

*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?*

No. Please see response to question 9 above.

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

No, not as currently drafted.

M E North and N Horsley  
Mineral Products Association  
29 April 2024.