



**EXAMINATION OF THE NORFOLK MINERALS AND
WASTE LOCAL PLAN**

HEARING STATEMENT (REP 99212)

RESTORATION OF MINERAL SITES

ON BEHALF OF MIDDLETON AGGREGATES LIMITED

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*Stephen M Daw Limited
Chartered Minerals Surveyor
Friday Cottage
Mellis Road
Thrandeston
Diss
Norfolk
IP21 4BU
Tel & Fax 01379 788107
Email stephen@stephenmdaw.plus.com*



Hearing Statement (Rep 99212) : **Policy MP5: Core River Valleys**

Main Matter 7 – Restoration of Mineral Sites

As regards national policy, the NPPF gives no special protection to river valleys and in fact makes no mention at all of river valleys.

Indeed, certain Mineral Planning Authorities regard river valleys as an important source of mineral, e.g. Bedford Borough, Central Bedfordshire and Luton Borough Councils, require Mineral Safeguarding of ‘river valley sands and gravels’ in their adopted Local Plan.

Given the above, the special status of river valleys given in Policy MP5 is not consistent with national policy, nor is the need for multiple ‘enhancements’ to achieve an acceptable proposal justifiable.

Biodiversity enhancement is now a pre-requisite for all new mineral applications and so Policy MP5 (second bullet) requiring biodiversity enhancement of the river valley is confusing. There is no guidance as to whether the biodiversity enhancement required by Policy MP5 is in addition to Biodiversity Net Gain required under the Environment Act 2021 or is the same as BNG, nor is there any guidance as to what amount of enhancement would be sufficient to fulfil the Policy requirement.

Landscape enhancement is of course largely subjective but it is certainly the case that many mineral extraction sites achieve a landscape enhancement at the time of restoration. However, Policy MP5 seeks enhancements to form, character, **and** distinctiveness of the landscape which in combination is likely to be an unachievably high threshold. By its nature mineral extraction in a river valley will inevitably result in an alteration to one or more of these landscape attributes. For example, without subsequent infilling, something unlikely to be permitted in a river valley having a high natural water table, extraction will inevitably permanently alter the physical form of the valley. It is conceivable such an alteration could be viewed as an enhancement but if it was, it would inevitably have changed the character and distinctiveness of the pre-existing landscape. Conversely character and distinctiveness could only be maintained without changing the form.

Similarly, enhancement of the historic environment is often subjective but unlike biodiversity or landscape, can be much more difficult to achieve. Indeed, it is difficult to imagine a scenario whereby positive enhancement of the historic environment could be achieved through mineral extraction, whether that extraction is in a river valley or indeed elsewhere.

The effectiveness of a policy will only become apparent after implementation but, as written it is the Respondents view that Policy MP5 is likely to place an effective embargo on mineral extraction in Core River Valleys, whether that is the intention or not.

Notwithstanding the complete lack of support from national policy, by requiring enhancements to biodiversity; the landscape (form, character, and distinctiveness), and the historic environment, the Policy sets unreasonable requirements on a mineral proposal.

Current River Valley Policy (DM2) requires landscape **or** biodiversity enhancements (no mention is made of the historic environment) which is a more reasonable position. These requirements are set alongside the normal requirement not to cause significant adverse impacts on the historic environment or indeed any other assessed issue.

On behalf of the Respondent, I would request the wording of the current Core River Valley Policy is retained.