



**Norfolk** County Council

# **Norfolk Minerals and Waste Local Plan**

## **Main Matter 1 – Legal Compliance and the Duty to Co-operate**

**Norfolk County Council**

**Hearing Statement**

**May 2024**

**Issue:** Whether the Duty to Co-operate is adequately demonstrated and met, and whether the Plan is compliant with relevant legislation.

### **Duty to Co-operate**

**1. Has the Council engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance to the Plan's preparation, as required by the Duty to Co-operate (under s20(5)(c) and 33A of the 2004 Act?)**

**NCC response:** Yes, Norfolk County Council's (NCC) engagement with relevant organisations regarding meeting the Duty to Cooperate (DtC) has been set out in the Duty to Cooperate compliance statement (document A13) and the Statements of Consultation (documents A10 & A11). A number of Statements of Common Ground (SoCG) contained within the Examination library also include information about discussions between NCC and such organisations, and agreements on relevant co-operation.

**2. On which issues has co-operation taken place?**

**NCC response:** Section 5 of the overarching Statement of Common Ground (SoCG) (document A16a) sets out the key strategic matters. There were four key matters; the provision of minerals, the provision of waste management facilities, safeguarding, and impacts on local communities and environment.

**3. How was co-operation carried out and with what results? Has this been documented? Are there any outstanding issues?**

**NCC response:** NCC has been effectively engaging and co-operating with other relevant organisations through the East of England Aggregate Working Party, the Norfolk Strategic Planning Group and Forum, and the East of England Waste Technical Advisory Body, in addition to engagement with more distant minerals and waste planning authorities where a strategic relationship has been identified, such as within the Industrial Sand Producing Mineral Planning Authorities Group. Formal consultation has also taken place through the plan-making process with a wide range of organisations and bodies, including all Norfolk Parish and Town Council, and those adjacent to the county border. The Duty to Cooperate Compliance Statement (document A13) in section 4, provides further information of the engagement within these groups, which is also detailed in the overarching Statement of Common Ground (document A16a). As well as the overarching SoCG, a number of bespoke SoCGs have been made with the Broads Authority (A17), Historic England (A18), Anglian Water (A19), and Natural England (A20). There are no outstanding issues identified that relate to compliance with the Duty to Cooperate.

**4. How has the Duty to Co-operate been met with regard to the spatial plans of the constituent District Councils, Parish Councils, neighbouring Councils and prescribed bodies on strategic and cross boundary matters?**

**NCC response:**

**4.1** Norfolk County Council's engagement with relevant organisations regarding meeting the Duty to Cooperate has been set out in the Duty to Cooperate Compliance Statement (document A13). Formal consultation on the NM&WLP with Norfolk's Local Planning Authorities, town and parish councils, neighbouring Councils and prescribed bodies is detailed in the Statements of Consultation on the Regulation 18 and Regulation 19 stages of the NM&WLP (documents A10 and A11) and summarised in sections 3 and 4 of the overarching Statement of Common Ground (document A16a). The four key strategic matters are the provision of minerals, the provision of waste management facilities, safeguarding and impacts on local communities and environment. The key strategic matters were split into six agreements to which the signatories of the SoCG agreed. A summary of the agreements and signatories is set out in appendix 2 of the SoCG.

**4.2** In addition to the formal consultation stages on the NM&WLP, Norfolk County Council, as the Mineral and Waste Planning Authority participates in the East of England Aggregate Working Party, East of England Waste Technical Advisory Body, Norfolk Strategic Planning Group and Forum. The Norfolk Strategic Planning Group and Member Forum produced a Norfolk Strategic Planning Framework (NSPF) (document B20) which was adopted in 2021. The NSPF is a Statement of Common Ground and contains 31 formal agreements on strategic planning matters including the economy, housing, health, climate change, infrastructure, and the environment, including minerals and waste management. The NSPF signatories include all of the planning authorities in Norfolk, as well as Natural England, the Environment Agency, Anglian Water, the Marine Management Organisation, New Anglia LEP, Active Norfolk and Water Resources East.

**4.3** Norfolk County Council is consulted on the spatial plans of Norfolk's Local Planning Authorities and adjacent authorities and on Neighbourhood Plans produced by parish and town councils. Norfolk County Council as the Mineral Planning Authority and Waste Planning Authority responds to those consultations regarding minerals and waste matters including safeguarded mineral resources and sites. Maps of the safeguarded mineral sites, infrastructure and waste management facilities as well as Mineral Safeguarding Areas/Mineral Consultation Areas have been provided to Norfolk's Local Planning Authorities to assist in this process.

**5. Are there any strategic matters relevant to the Plan which would require cooperation with minerals and waste planning authorities in locations further afield than those adjacent to the Norfolk County boundaries? If so, what engagement has taken place with the relevant authorities?**

**NCC response:**

**5.1** The strategic matters relevant to the NM&WLP which required cooperation with minerals and waste planning authorities in locations further afield than those adjacent to the Norfolk County boundaries are: the management of waste that has arisen in Norfolk but is managed outside of Norfolk; the management of waste within Norfolk that has arisen outside of Norfolk; the provision of a steady and adequate supply of aggregate minerals and industrial minerals. The engagement that has taken place with the relevant authorities is summarised in the Duty to Cooperate Compliance Statement (document A13) and the overarching Statement of Common Ground (SoCG) (document A16a).

**5.2** In addition to formal consultation process for the NM&WLP, Norfolk County Council engages with the Minerals Planning Authorities and Waste Planning Authorities in the East of England through membership and attendance of the East of England Aggregates Working Party meetings and the East of England Waste Technical Advisory Body meetings. In addition, for silica sand, Norfolk participates in Industrial Sand Producing Mineral Planning Authorities Group. Section 3 of the SoCG (document 16a) contains a list of the plan-making authorities and additional signatories within the counties of Norfolk, Suffolk and Cambridgeshire. Section 4 of the SOCG provides detail on the engagement that has taken place with Waste Planning Authorities where strategic waste movements to or from Norfolk were recorded in the Environment Agency's Waste Data Interrogator. Those Waste Planning Authorities were both consulted on the NM&WLP and also separately contacted about data on waste movements, asked whether they considered the waste movements to be strategic and whether they considered that a SOCG would be required.

**5.3** The key strategic matters were split into agreements to which the signatories of the overall Statement of Common Ground (document A16a) agreed. A summary of the agreements and signatories is contained in appendix 2 of the SoCG.

**Planning and Compulsory Purchase Act 2004, Section 19 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)**

**6. Has the Plan been prepared in accordance with the Local Development Scheme including content and timescale?**

**NCC response:**

**6.1** Yes, the Local Development Scheme documents relevant to the preparation of the Norfolk Minerals and Waste Local Plan are the Minerals and Waste Development Scheme (MWDS) (June 2018), and the MWDS (October 2022) (document B27). The 2022 document superseded the 2018 scheme.

**6.2** The MWDS has been kept up to date during the plan-making process with the latest version published in October 2022 reflecting delays to the previously published scheme timetable. This delay was due to several factors including: the large volume of responses (over 5,600) received to the Preferred Options Consultation, an increase in mineral safeguarding consultation workload, and the Covid-19 pandemic. The NM&WLP has been prepared in accordance with the above MWDS documents. However, the submission of the NM&WLP took place in December 2023 instead of December 2022, as set out in the MWDS timetable below:

Stage	Published MWDS 2022 dates	Actual dates
Regulation 18 consultation (Initial consultation)	June to August 2018	June to August 2018
Regulation 18 consultation (Preferred Options)	September to October 2019	September to October 2019
Regulation 19 publication	September to October 2022	September to December 2022
Regulation 22 submission	December 2022	December 2023

**7. Has the Plan been prepared in compliance with the adopted Statement of Community Involvements (SCIs), allowing for effective engagement of all interested parties and meeting the minimum consultation requirements set out in the regulations?**

**NCC response:**

**7.1** Yes, the Plan has been prepared in accordance with the adopted SCI relevant at that stage. The relevant SCIs for the preparation of the Plan are, Norfolk Statement of Community Involvement (December 2018) (document B25), and the Norfolk Statement of Community Involvement (October 2022) (document B26). The SCI (October 2022) superseded the previous iteration, and was updated as per the review cycle for that document, and also due to updates to consultation that may have been restricted by Covid 19. Therefore, the Plan preparation in accordance with the SCIs has allowed for effective engagement and all consultation has been carried out to at least meet the minimum consultation requirements set out in the regulations.

**7.2** Sections 3 and 4 of the Regulation 18 Statement of Consultation (document A10) summarises who was invited to make representations at the two Regulation 18 consultation periods, how they were consulted, and a summary of the responses received. Section 5 summarises the main issues raised in the two consultation periods and how they have been taken into account in the NM&WLP.

**7.3** Section 2 of the Regulation 19 Statement of Consultation (document A11) summarises who was invited to make representations at the Regulation 19 stage, how they were notified of the representations period and a summary of the responses received. Section 3 sets out the main issues raised by respondents and how they have been taken into account in the NM&WLP.

**7.4** Details of each stage of consultation, including the publication, advertisement and availability of the consultation documents are set out in the submitted Statements of Consultation (documents A10 & A11).

**8. Have the publication, advertisement and availability of the Plan followed the procedures set out in the 2004 Act and 2012 Regulations?**

**NCC response:** Yes, the publication, advertisement and availability of the Plan has followed the procedures set out in the 2004 Act and 2012 Regulations. Details of each stage of consultation, including the publication, advertisement and availability of the consultation documents are set out in the submitted Statements of Consultation covering the Regulation 18 and Regulation 19 stages (documents A10 & A11).

**Whether the Sustainability Appraisal (SA) complies with the requirements of the 2004 Act, the Strategic Environmental Assessment Directive (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations)**

**9. Has the SA process complied with the requirements of the SEA Directive and the SEA Regulations?**

**NCC response:**

**9.1** Yes, the SA process has complied with the requirements of the SEA Directive and the SEA Regulations. Sections 2.2 and 2.3 of the Scoping Report (2022) set out how the Sustainability Appraisal Report and Sustainability Appraisal Scoping Report meet the requirements.

**9.2** The Sustainability Appraisal consists of documents A3.1 to A3.6 in the examination library as follows:

- A3.1 Sustainability Appraisal Report – Part A Scoping
- A3.2 Sustainability Appraisal Report – Part B
- A3.3 Sustainability Appraisal Appendix A – appraisal tables of policies
- A3.4 Sustainability Appraisal Appendix B – appraisal tables for mineral sites and areas
- A3.5 Sustainability Appraisal Appendix C – maps of proposed mineral sites
- A3.6 Sustainability Appraisal Appendix D – waste site maps and appraisals

**10. Is there clear evidence to indicate why, having considered reasonable alternatives, the strategy in the Plan is an appropriate response? Does the methodology conform to that in the NPPF and Planning Practice Guidance (PPG)?**

**NCC response:**

**10.1** The clear evidence to indicate why, having considered reasonable alternatives, the strategy in the NM&WLP is an appropriate response, is contained in the relevant sections of the Sustainability Appraisal Report, as detailed below:

**10.2** All the policies in the NM&WLP, all proposed and allocated sites and areas and reasonable alternatives have been appraised against the 13 Sustainability Appraisal objectives and the assessment criteria. The scoring factors used are listed in Section 2 (Task A4) of the Sustainability Appraisal Report (document A3.2).

**10.3** All of the mineral extraction sites proposed by landowners and mineral operators in response to a 'call for sites' were subject to Sustainability Appraisal as alternative options for mineral extraction during the Plan period. Appendix B of the Sustainability Appraisal (document A3.4) includes the appraisal tables for each proposed mineral extraction site and area of search, with a conclusion for each site. Task B3, section 6.3 of the Sustainability Appraisal (document A3.2) also summarises the effects of all the proposed mineral extraction sites and areas and sets out the reasons why each site is allocated, or not allocated, as appropriate.

**10.4** The six waste management sites that were proposed by landowners and waste management companies in response to a 'call for sites' have also been subject to Sustainability Appraisal (Appendix D to the SA Report) (document A3.6) as alternative options for waste management during the Plan period, although none of the sites are considered appropriate to allocate. Each site assessment has a conclusion. In addition, the findings of the Waste Management Capacity Assessment (document B2) concluded that sufficient existing waste management capacity already exists in Norfolk to accommodate the forecast growth in waste arisings over the plan period to 2038 and therefore it is not necessary to allocate any waste management sites in the NM&WLP, and a criteria-based policy approach has been used instead.

**10.5** All of the planning policies contained in the Publication NM&WLP have been subject to Sustainability Appraisal and these assessments are contained in Appendix A of the SA Report (document A3.3). Each policy assessment has a conclusion. Where there are alternative policy options, these alternatives have also been subject to Sustainability Appraisal and are assessed in Task B2 of the Sustainability Appraisal Report (document A3.2). The policies where alternative strategic options have been considered and evaluated are:

- WP1: Waste management capacity to be provided
- WP2: Spatial strategy for waste management facilities
- MP1: Provision for minerals extraction
- MP2: Spatial Strategy for minerals extraction

**10.6** These policies contain the quantity of minerals (MP1) and waste (WP1) to plan for and contain the spatial strategy for the location of mineral extraction sites (MP2) and waste management facilities (WP2). Further information is contained in the response to question 12 below.

**10.7** Where there have been any changes to the policy wording or site allocation between the two Regulation 18 consultation stages and the Regulation 19 Publication version of the NM&WLP, the Sustainability Appraisal of the policy has been reviewed, the changes detailed, and the Sustainability Appraisal re-evaluated where necessary.

**10.8** In conclusion, there is clear evidence to indicate why, having considered reasonable alternatives, the strategy in the NM&WLP is an appropriate response and the methodology conforms to that in the NPPF and PPG. The Sustainability Appraisal has also been informed by the Habitats Regulations Assessment – Test of Likely Significance (document A8). In addition to the Sustainability Appraisal methodology, the response to Matter 4 Question 1 provides more detail on the assessment methodology for the proposed mineral extraction sites.



**11. Has the SA process been genuinely iterative and carried out in step with the stages of plan preparation?**

**NCC response:**

**11.1** Yes, the SA process has been genuinely iterative and carried out in step with the stages of plan preparation, as detailed below. The alignment between plan preparation, the SA process and progress made at each stage is documented within the SA reports (documents A3.1 to A3.6).

**11.2** The statutory environmental consultation bodies, and other interested parties, were originally consulted on the scope and level of detail of the environmental information to be included in the Sustainability Appraisal report during a six-week period in 2015 and consulted again in 2018. Due to the time that has elapsed since the original Scoping Report was produced in 2015, the Scoping Report was reviewed and updated using data available in 2021 (document A3.1) to inform the Sustainability Appraisal and published for representations to be made at the Regulation 19 stage of the NM&WLP.

**11.3** At the Initial Consultation (Regulation 18) stage, an Initial Sustainability Appraisal, including the 2015 Scoping Report (documents C5.1 to C5.5) were produced and published for consultation alongside the Initial Consultation version of the NM&WLP.

**11.4** At the Preferred Options Consultation (Regulation 18) stage, a draft Sustainability Appraisal Report (documents C10.1 to C10.5) was produced and published for consultation alongside the Preferred Options version of the NM&WLP. The draft SA Report and appendices of appraisal tables state where any changes have been made to the SA assessment of effects between the Initial Consultation stage in 2018 and the Preferred Options stage in 2019.

**11.5** Tables 102 and 103 of the Regulation 18 Statement of Consultation (document A10) sets out the main issues raised during the consultation stages about the Sustainability Appraisal (Part A) and (Part B). Changes were made to the SA Report, and it was updated as set out in the responses.

**11.6** At the Regulation 19 stage, an updated SA Scoping Report (document A3.1) and a Sustainability Appraisal Report (documents A3.2 – A3.6) were published alongside the Publication NM&WLP. The SA Report and appendices of appraisal tables state where any changes have been made to the SA assessment of effects between the Preferred Options stage in 2019 and the Publication stage in 2022. Section 1.6 of the SA Report – Part B (document A3.2) details the representations received on the Sustainability Appraisal in response to the Initial Consultation stage in 2018 and the Preferred Options Consultation stage in 2019 and the NCC Planning Officer's response to the representations including whether any changes had been made to the SA or to the NM&WLP as a result.

**11.7** The Regulation 19 Statement of Consultation (2023) (document A11) summarises the representations received regarding the Sustainability Appraisal, on page 42. There were no changes proposed to the NM&WLP or to the SA by Norfolk County Council due to these representations.

**11.8** Statements of Common Ground have been produced with Historic England (document A18) and Natural England (document A20). The Environment Agency did not make any representations on the NM&WLP or accompanying documents at the Regulation 19 stage.

**12. Are the alternatives considered by the SA sufficiently distinct to highlight the different sustainability implications of each?**

**NCC response:**

**12.1** Yes, the alternatives considered by the SA are considered to be sufficiently distinct to highlight the different sustainability implications of each, whilst still being reasonable alternatives.

**12.2** A sustainability appraisal has been carried out on all of the proposed policies for minerals and waste management development and alternatives. The appraisal tables for each policy are contained in Appendix A of the Sustainability Appraisal Report (Document A3.3). Alternatives were not considered for all of the policies. Where there alternative policy options, these alternatives have been subject to Sustainability Appraisal and are assessed in Task B2 of the Sustainability Appraisal Report – Part B (document A3.2). Alternatives to strategic policies WP1, WP2, MP1 and MP2 were assessed. The alternative approaches considered for the strategic policies were:

**12.3** Policy WP1: alternative growth forecasts for Local Authority Collected Waste and for commercial and industrial waste arisings. The alternatives did not result in different SA outcomes because effects will depend upon the location and type of new waste management facilities, rather than the quantum of waste that is forecast to arise.

**12.4** Policy WP2: alternative distances for waste management facilities to be located from urban areas, main towns or key service centres. The alternatives resulted in different outcomes for five of the SA objectives.

**12.5** Policy MP1: alternative methods of forecasting the quantity of aggregate to plan for. The alternatives only resulted in different outcomes for three of the SA objectives because effects will depend on the location of new mineral extraction sites.

**12.6** Policy MP2: alternative options for defining areas of search for silica sand extraction and alternative distances for mineral extraction sits to be located from urban areas, main towns or key service centres. The alternatives resulted in different outcomes for some of the SA objectives.

**12.7** All of the mineral extraction sites proposed by landowners and mineral operators in response to a 'call for sites' were subject to Sustainability Appraisal as alternative options for mineral extraction during the Plan period. The potential areas of search for future silica sand extraction were also subject to Sustainability Appraisal as alternative options for silica sand extraction during the Plan period. Appendix B of the Sustainability Appraisal (document A3.4) includes the appraisal tables for each proposed mineral extraction site and area of search. Each proposed site and area were sufficiently distinct from each other in terms of the proposals, site size and site location and therefore scored differently against the SA objectives.

**12.8** Whilst the decision was made not to allocate any of the proposed sites for waste management facilities within the NM&WLP, a sustainability appraisal has been carried out on each of the six specific sites proposed for waste management facilities by landowners and waste management companies in response to a 'call for sites'. The six sites were all considered as alternatives and were sufficiently distinct from each other in their proposals, site size and site location and therefore scored differently against the SA objectives. The appraisal tables for each proposed site for waste management are contained in Appendix D to the Sustainability Appraisal Report (Document A3.6).

**13. Is there clear evidence to indicate why, having considered reasonable alternatives, the Plan's strategy is an appropriate one?**

**NCC response:** Yes, there is clear evidence to indicate why, having considered reasonable alternatives, the Plan's strategy is an appropriate one. Please refer to the response to question 10 above.

**14. Is the Plan consistent with national policy, including the NPPF, National Planning Policy for Waste (NPPW) and PPG? Are there any significant departures from national policy? If so, have they been justified?**

**NCC response:**

**14.1** Yes, the Plan is consistent with national policy, including the NPPF, NPPW and PPG. There are not any significant departures from national policy. Further detail is provided in the Planning Advisory Service Local Plan Form and Content Checklist (Document B31) which has been completed to assess the content of the NM&WLP against the key requirements of the NPPF.

**14.2** The Waste Management Capacity Assessment (document B2) has been carried out in accordance with the guidance on identifying need, assessing existing waste management capacity, and forecasting future waste management arisings contained in the NPPW and the Waste PPG. The Waste Management Capacity Assessment concluded that sufficient existing waste management capacity already exists in Norfolk to accommodate the forecast growth in waste arisings over the plan period to 2038 and therefore it is not considered necessary to allocate any waste management sites in the NM&WLP, and a criteria-based policy approach has been used instead.

**14.3** The content, policies and site allocations of the NM&WLP have had regard to the national planning policy context, as summarised in paragraphs 1.2 and 1.3 of the NM&WLP and considered through the Sustainability Appraisal Report Part A - Scoping Report (2022) (document A3.1).

**14.4** The NPPF was revised in September 2023, however the changes do not affect the references in the NM&WLP to the previous 2021 version and given the submission of the NM&WLP and background documents was imminent as of September 2023, the references throughout the submission to the NPPF were not changed at the point of submission. The NPPF was further updated in December 2023, but Paragraph 230 of Annex 1 of the revised NPPF, states plans that reach the Regulation 19 stage before 19 March 2024 will be examined under the relevant previous version of the Framework (published September 2023). It is considered there are no implications to the NM&WLP from the updated NPPF, except with regards to updating paragraph references, which are additional modifications.

**15. Does the Plan comply with the 2004 Act and the 2012 Regulations in terms of publishing and making available the prescribed documents?**

**NCC response:**

**15.1** Yes, the publication, advertisement and availability of the Plan and Sustainability Appraisal has followed the procedures set out in the 2004 Act and 2012 Regulations. Details of each stage of consultation, including the publication, advertisement and availability of the consultation documents are set out in the submitted Statements of Consultation covering the Regulation 18 and Regulation 19 stages (documents A10 & A11).

15.2 Specifically in relation to the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended), the statutory environment consultation bodies, and other interested parties, were originally consulted on the scope and level of detail of the environmental information to be included in the Sustainability Appraisal report during a six-week period in 2015 and again in 2018. Due to the time that has elapsed since the original Scoping Report was produced in 2015, the Scoping Report was reviewed and updated using data available in 2021 (document A3.1) to inform the Sustainability Appraisal and published for representations to be made at the Regulation 19 stage of the NM&WLP.

## **Conservation of Habitats and Species Regulations 2017**

**16. Does the Plan meet the requirements of the Conservation of Habitats and Species Regulations 2017, including any relevant case law [in particular the ruling of 12 April 2018 by the 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*] to consider the likely significant effects of projects or plans on European protected sites, individually or in-combination? In particular, have Appropriate Assessments been undertaken under the Habitats Directive? If not, has a screening exercise shown that there is no need for such assessments?**

**NCC response:** Yes, the NM&WLP does meet the requirements of the Conservation of Habitats and Species Regulations 2017 including where the rulings of relevant case law have clarified how Likely Significant Effects should be considered through screening and Appropriate Assessments. The NM&WLP is supported by a Habitats Regulation Assessment- Test of Likely Significant Effects (document A8) which sets out the screening exercise undertaken on the Plan. Document A8 is supplemented by an addendum (document A8.1) which provides clarification of the how the screening exercise took into account the rulings, in particular *People over Wind*. The screening exercise concluded that no likely significant effects to designated habitats or species would occur as result of the policies and allocations contained within the Publication NM&WLP. Therefore, there was no need for Appropriate Assessments to be undertaken.

**17. How has the Plan taken account of its findings?**

**NCC response:** The Habitats Regulations Assessment – Test of Likely Significant Effects (2022) (documents A8 and A8.1) concluded that no policies within the Publication NM&WLP would result in Likely Significant Effects on a SPA, SAC or Ramsar site. All the designated sites are considered sufficiently distant from the proposed mineral extraction sites within the Publication NM&WLP that likely impacts are not considered significant. Therefore, a Stage 2 Appropriate Assessment on the NM&WLP was not required.

**18. In order to assist the consideration of this issue, the Inspector would welcome the submission by the Council of an up-to-date Statement of Common Ground (SOCG) with Natural England on this matter, and any other relevant aspects of the Plan.**

**NCC response:**

**18.1** An up-to-date SOCG between Norfolk County Council and Natural England has been agreed and forms part of the Examination library (document A20). This SOCG contains an agreement between the parties that the NM&WLP, together with the HRA Assessment (A8) and addendum (A8.1) have correctly taken into account the advice of Natural England regarding the ruling in relation to the *People over Wind* judgement. Agreement 11 on page 19 of document A20 shows the agreement between the parties on this issue. Table 7 of the document on page 21 shows that there are no unresolved matters between the parties.

**18.2** Also of relevance are the proposed additional and main modifications to Policy MW4 (The Brecks Protected Habitats and Species) and supporting text, as advised by Natural England due to their revised guidance on assessing development effects on Breckland SPA stone curlew population. Natural England are satisfied with the proposed text modifications to Policy MW4 and its supporting text, as set out the in SOCG between NCC and Natural England (document A20).

**Does the Plan contain policies designed to secure that the development and use of land in the Plan area contributes to the mitigation of, and adaptation to, climate change?**

**19. To what extent does the development plan contain policies designed to secure that the development and use of land in the Plan area contributes to the mitigation of, and adaptation to, climate change?**

**NCC response:**

**19.1** The NM&WLP has been developed to contribute to the mitigation of, and adaption to, climate change. The Vision sets out in paragraph eight that mineral development and waste management will be undertaken to minimise and mitigate their contribution to climate change; and will be designed and located to reduce the risk from and adapt to climatic effects. Minerals Strategic Objectives MSO5 and MSO8 in particular contribute to the mitigation of, and adaption to, climate change through the sustainable transportation of minerals, minimising greenhouse gas emissions during extraction and through the design of restoration and aftercare proposals. Waste Strategic Objectives WSO1, WSO2, WSO6 and WSO7 all contribute to the mitigation of, and adaption to, climate change through waste prevention and minimisation, managing waste higher up the waste hierarchy, minimising transportation of waste and through design, construction and operation of facilities.

**19.2** Following on from the Vision and strategic objectives, the NM&WLP contains the following policies designed to secure that the development and use of land in Norfolk contributes to the mitigation of, and adaption to, climate change:

**19.3** Policy MW1 (Development Management Criteria) part d requires development to assess flood risk making an allowance for climate change.

**19.4** Policy MW2 (Transport) states that all proposals for minerals development or waste management facilities must assess the potential for non-HGV transportation of materials, principally by rail or water and take up these sustainable transport opportunities where available. The policy also requires planning applications to demonstrate appropriate measures to reduce car traffic to the site and encourage walking, cycling and use of public transport.

**19.5** Policy MW3 (Climate change mitigation and adaption) contains requirements for all mineral and waste development, through their design, construction and operation, to minimise their contribution to climate change and be adaptable to future climatic conditions.

**19.6** Policy WP2 (spatial strategy for waste management facilities) states that waste management facilities should be located in proximity to one of Norfolk's

urban areas or main towns and be accessible via appropriate transport infrastructure. This is to reduce the distances that waste would need to be transported for management because Norfolk's urban areas and main towns are where the majority of waste is likely to originate.

**19.7** Policy MP2 (spatial strategy for minerals extraction) states that specific sites for sand and gravel or Carstone extraction should be located in proximity to one of Norfolk's urban areas or main towns or be well-related to one of them via appropriate transport infrastructure. This is to reduce the distances that aggregate would need to be transported because Norfolk's urban areas and main towns are the locations where there will be the greatest need for a supply of aggregate for new housing developments and associated infrastructure.

**19.8** Policy MP7 (progressive working, restoration and after-use) states restoration proposals must demonstrate that the restoration scheme and after-use has taken opportunities to incorporate features consistent with climate change mitigation and adaption wherever possible.

**19.9** Policy MP10 (safeguarding of port and rail facilities and facilities for the manufacture of concrete, asphalt and recycled materials) safeguards port and rail facilities, for the bulk transport of minerals by rail, sea or inland waterway, from development that would prevent or prejudice their use for those purposes.

**19.10** Policy WP10 (residual waste treatment facilities) states that the treatment of waste that could practicably be recycled or composted will not be acceptable. Facilities that include thermal treatment of waste must provide for the recovery of energy and where practicable, heat; and the use of combined heat and power will be encouraged.

**19.11** Policy WP12 (non hazardous and hazardous waste landfill) states that proposals for additional landfill voidspace will only be acceptable if it would not prejudice the movement of waste up the waste hierarchy by providing excessive landfill capacity and the landfilling of waste that could practicably be recycled, composted or recovered will not be acceptable. Proposals for landfill gas energy recovery will be required.

**19.12** Policy WP16 (design of waste management facilities) requires waste management development to incorporate climate change adaption and mitigation measures.

## **Does the Plan raise any issues which are of relevance to the Public Sector Equality Duty?**

### **20. Has the Plan been informed by a robust assessment of its potential equality impacts?**

#### **NCC response:**

**20.1** Yes, the Plan has been informed by an Equality Impact Assessment (EQIA) which was carried out in accordance with the Public Sector Equality Duty and the requirements of the Equality Act 2010 for public authorities. The EQIA is included within the Examination Library as document A9 and contains the following information:

- Section 1 provides information on the NM&WLP
- Section 2 provides the legal context for the EQIA

- Section 3 contains information about the people affected by the NM&WLP using ONS 2011 Census Data, the English Index of Multiple Deprivation and Norfolk Insight ([www.norfolkinsight.org.uk](http://www.norfolkinsight.org.uk))
- Section 4 assesses the potential impact of the NM&WLP on people with protected characteristics including relevant issues raised in response to the Regulation 18 consultation stages, and an assessment of the policies in the NM&WLP, including the specific site allocation policies. Section 4 also assesses accessibility.
- Section 5 of the EQIA contains the conclusion of the assessment that applying the policies within the NM&WLP should mitigate the potential for unacceptable adverse impacts on health and amenity, including for protected characteristic groups and therefore it is highly unlikely that Equality Groups will be disproportionately discriminated against by virtue of the location of the mineral extraction sites that have been allocated.
- Section 6 of the EQIA sets out the recommended actions, including monitoring and actions to be carried out during the process of determining planning applications.

**20.2** The EQIA also summarises that the consultation stages of the Norfolk Minerals and Waste Local Plan were carried out with due regard to gaining the views of those groups with 'protected characteristics' under the Equality Act 2010. Further details of the consultation bodies who were invited to respond can be found in the Statements of Consultation (Documents A10 & A11) in the List of consultees; A10 section 3.4 and A11 section 2.2.

**21. How have issues of equality been addressed in the Plan? In particular, how will the Plan help to advance equality of opportunity between people who share a "protected characteristic" as defined in the Equality Act 2010<sup>1</sup> and those that do not share it and further the other two aims of the Act?**

**NCC response:**

**21.1** The Equality Impact Assessment (EQIA), document A9, contains analysis of the demographic makeup of the Plan Area, including from the Indices of Multiple Deprivation (IMD) as a measure of certain 'protected characteristics' and examines this information in relation to the spatial locations of the proposed mineral site allocations (Tables 3-8). The EQIA has assessed the policies in the NM&WLP and concludes that the Plan will not result in a differential impact on any Equality Groups (defined by shared protected characteristics) in principle. The Plan contains policies which require the assessment and mitigation of the potential for adverse impacts (such as to amenity and health) from specific development proposals at the planning application stage, as part of the determination process, including through the use of planning conditions. These issues are analysed within the EQIA (A9) section 4.5, with an overall conclusion in section 5 and recommended actions in section 6.

**21.1** The Equality Act 2010 requires that public bodies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity

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<sup>1</sup> "Protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.



- foster good relations between different people when carrying out their activities

**21.2** The Plan does not discriminate between any groups of people. Consultations have been open to all and any effects the Plan may have on people does not prejudice one group over another.

The Plan advances equality of opportunity by being made accessible to all. Each consultation has been conducted online and hard copies of the document have been available at key locations. People identifying in any one of the equality groups have had equal opportunity to engage in the plan making process and people have been encouraged to participate in the preparation of the Plan regardless of their shared protected characteristics.

The Plan does not specifically seek to foster good relations between different groups.