Norfolk Minerals and Waste Local Plan

Main Matter 5 – Whether the Plan makes adequate provision for the encouragement of the use of secondary and recycled aggregates.

Norfolk County Council

Hearing Statement

May 2024

Issue: Whether the Plan sufficiently promotes the use of secondary and recycled aggregates.

1. **Does the Plan provide clear and robust guidance regarding the contribution that secondary and recycled aggregates should make as an alternative to primary land won aggregates?**

NCC response:

1.1 Yes, the plan provides commensurate clear and robust guidance regarding the contribution that secondary and recycled aggregates should make as an alternative to primary land won aggregate, where this is within the scope and control of the Mineral and Waste Planning Authority.

1.2 Spatial Portrait paragraph 3.31, and in the supporting text paragraphs MP1.8 and W4.1 the contribution of secondary and recycled aggregates sourced within Norfolk is recognised as an alternative to primary aggregate.

1.3 The Vision states that for the Plan period '…households, businesses, the public sector and voluntary organisations within Norfolk will be taking responsibility for waste prevention, re-use and recycling. The re-use, recycling and recovery of waste in Norfolk will increase…'. This applies to secondary and recycled aggregate production as it does to other waste streams.

1.4 The NM&WLP objective WSO2 is "to support an increase in the proportion and the quantity of waste that is reused, recycled and recovered within Norfolk', while objective MS03 is "to encourage the sustainable use of minerals by utilising secondary and recycled aggregates, which will reduce the reliance on primary aggregates, and safeguarding existing infrastructure".

1.5 Therefore, the principles of both encouraging the reduction in Construction, Demolition, and Excavation (C,D&E) waste, and their re-use as secondary and recycled aggregates is contained in the highest levels of the NM&WLP, setting out the vision and strategic objectives of the Plan.

1.6 Secondary and recycled aggregates and their production facilities are specifically incorporated into NM&WLP policies including providing guidance on where such facilities would be acceptable and the safeguarding protection provided to them;

- Strategic Policy MP10 (safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials) – safeguarding existing, planned and potential sites for secondary and recycled aggregates
- Policy WP3 (Land suitable for waste management facilities) – facilities for the production of secondary and recycled aggregate would be acceptable on existing permanent waste management facilities; land in existing B2 and B8 use, or allocated for such use; land within or adjacent to redundant agricultural buildings; and on existing sand and gravel workings on a temporary basis
- Policy WP4 (Recycling or transfer of inert construction, demolition and excavation waste) – provides further policy and guidance on the temporary siting of secondary and recycled aggregate facilities within mineral workings
- Policy WP11 (Disposal of inert waste by landfill) – 'The landfilling of inert waste that could practicably be recycled will not be acceptable'.

- Policy WP17 (Safeguarding waste management facilities) – including existing and permitted facilities for CD&E waste recycling with a throughput of over 20,000tpa

1.7 The Mineral Planning Authority considers the aforementioned areas of the Plan provide sufficiently robust policy and guidance on the contribution that secondary and recycled aggregates have as an alternative to land won aggregate.

2. How does the Plan take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials before considering extraction of primary materials?

NCC response:

2.1 Paragraph MP1.8 of the NM&WLP sets out how the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials has been taken into account before considering the forecast need for the extraction of primary materials over the Plan period. Section 4 of the Local Aggregate Assessment (document D1) provides more detailed data on the quantity of inert / construction and demolition waste recovered at waste management facilities in Norfolk using the Environment Agency's Waste Data Interrogator (WDI).

2.2 The NM&WLP does not include a figure for secondary and recycled materials in the forecast need for aggregates in Policy MP1 (Provision for minerals extraction) because, as explained in paragraph MP1.8 and the Waste Management Capacity Assessment (Document B2), the quality of data for the production of recycled and secondary aggregates is not comprehensive enough to be robust for such purposes. The WDI records data from some facilities producing recycled aggregate because the feedstock is also a waste product (which is why Policy WP4 on inert construction and demolition waste is also relevant to this issue). However, production of recycled aggregate from exempt sites (without an environmental permit) is not included in the WDI and data from mobile plant on brownfield regeneration sites is not robustly recorded as the location of the mobile plant is not specified. In addition, some construction and demolition waste recorded in the WDI data is not suitable for use as a recycled aggregate due to including materials such as wood, plastic and metal.

2.3 Paragraph 3.6 of the East of England Aggregates Working Party Annual Report 2022 (Document B21) highlights the issues, with robust data on arisings of construction, demolition and excavation waste - including the amount sold as recycled aggregates - have often been difficult to obtain and a standard methodology has not been adopted nationally. As a result of this, a guidance note has been prepared by representatives from the National Waste Technical Advisory Board Chairs and Aggregate Working Party Chairs which was published in May 2022. This guidance note details the various options available for the collection and collation of data in order to estimate arisings and sales of recycled aggregates and this has been used within the most recent Local Aggregate Assessments (documents B3 and D1).

2.4 In terms of the effect of glass recycling on the need for silica sand, paragraph MP1.19 of the NM&WLP explains that high purity silica sand is needed in order to produce glass from recycled glass cullet. It is not possible to quantify

the impact that potential glass recycling increases in the UK would have on the need for silica sand during the plan period. Therefore, it is not proposed to make any adjustments to the forecast need for silica sand based on recycled glass. Further information on glass recycling is available in section 8 of the Silica Sand Topic Paper (document B1).

3. How does the Plan deliver Minerals Strategic Objective MSO3 and should there be a "Minerals Specific Policy" in relation to the use of secondary and recycled aggregates or should the relationship with Policy WP4 be explained?

NCC response:

3.1 Strategic Objective MSO3 is "to encourage the sustainable use of minerals by utilising secondary and recycled aggregates which will reduce the reliance on primary aggregates and safeguarding existing infrastructure".

3.2 There is no need for the NM&WLP to contain a specific policy regarding the use of secondary and recycled aggregate. The market within Norfolk for recycled aggregate is well developed with many operators having both mineral extraction and waste management operations, and around half of the sources of secondary and recycled aggregate in the county are located within mineral working sites (see table 11 of the Local Aggregate Assessment 2022 – document D1). As Policy WP11 resists the landfilling of inert waste material suitable for recycling and re-use this removes the most likely other destination for such waste. Given that those operators who also collect inert waste from construction and sites are also involved in the supply of aggregate and the potentially greater margin in supplying recycled aggregate than primary mineral, this together with the negative policy stance in WP11 on landfilling potentially recyclable inert waste creates a position where operators have commercial interest in encouraging re-use and recycling of aggregate.

3.3 The basis for Policy WP4 is to control the continued use of mineral workings when the principal use of the site has become C, D&E waste recycling and transfer as opposed to the extraction of mineral. As most mineral workings are within the open countryside, this would not be a preferred location for permanent waste facilities of this type, which would be more suitable on the types of land set out in Policy WP3. Further information on Policy WP4 is provided in our response to question 4 of Matter 8.

3.4 There is an implementation and monitoring indicator on the quantity of secondary and recycled aggregate produced in Norfolk, which would be monitored using data from the Environment Agency's Waste Data Interrogator and reported in the Annual Monitoring Report and Local Aggregate Assessment. However, interpretation of this data would need to take into account the quality of data discussed in the answer to the previous question.

4. In the absence of any specific policy, how realistically can MSO3 be applied and monitored with particular regard to the demonstration that the utilisation of secondary and recycled aggregates will reduce the reliance on primary aggregates?

NCC response:

4.1 As stated in the response to the previous question, the market for secondary and recycled aggregate in Norfolk is already well developed with a considerable

number of operators. Policy WP11 provides a negative policy stance to the landfilling of potentially recyclable inert waste. As stated in the response to Question 2 the Local Aggregate Assessment already takes account of the quantities of recycled aggregate reported through the Environment Agency's Waste Data Interrogator. As inert/construction and demolition waste collection, processing and recycled aggregate sales form a significant part of many Norfolk mineral and waste operator's businesses, there is a well-established market incentive to encourage its use. This is especially so, because the nature of mineral extraction in Norfolk results in limited opportunities for inert landfill and quarry restoration with many sites restored to a low level with no imported material.

4.2 The NM&WLP contains the following indicators relevant to monitoring MSO3 in the Implementation, Monitoring and Review chapter:

- Quantity of secondary and recycled aggregate produced in Norfolk (tonnes)
- Annual production of sand and gravel, Carstone and silica sand (tonnes)

4.3 These indicators will be monitored and reported annually in the Local Aggregate Assessment. The data on the quantity of secondary and recycled aggregate produced in Norfolk is an estimate based on the quantity of inert / construction and demolition waste recovered in Norfolk, as reported through the Environment Agency's Waste Data Interrogator (WDI). While the WDI data for recycled aggregate is not comprehensive (it does not include data from exempt sites which do not hold an environmental permit and the location of operational mobile plant is not specified) it does provide a useful indication of the condition of the market for such material, as the same types of facilities are included each year. Norfolk is largely a rural County, with relatively small urban areas, and relatively few large-scale regeneration projects on brownfield land compared with other parts of the country.

4.4 The production of primary aggregates in Norfolk is monitored annually by Norfolk County Council through a survey of mineral operators.

5. How does the Plan influence non-minerals development with a view to minimising the reliance on primary aggregates such as the adoption of sustainable design principles, construction methods and procurement policies and reusing or facilitating the recycling of wastes generated on-site and using alternative construction materials?

NCC response:

5.1 In the context of the NM&WLP, Policy MW3 (climate change mitigation and adaption) criteria (h) requires all waste management proposals, to set out how the principles of the waste hierarchy have been considered and addressed – this would include the use of recycled aggregates.

5.2 Policy MP3 'Borrow pits'… facilitates the extraction of mineral from sites which are geographically well related to specific construction projects, mineral which would likely not normally be worked. Although borrowpits are still a source of primary aggregate, they minimise material being brought into a project from extraction sites elsewhere. This policy also restricts material being brought into the borrowpit for its restoration to that which comes from the

project itself, unless there is a shortage of material, thereby facilitating the recovery of waste generated on site.

5.3 Policy MP10 (safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials) safeguards existing, planned and potential sites for the handling, processing and distribution of substitute, recycled and secondary aggregate material, and also the rail heads, rail links to quarries, wharfage and associated storage, handing and processing facilities for the bulk transport by rail, sea or inland waterways of recycled and secondary materials.

5.4 Policy MP11 'Mineral safeguarding areas and mineral consultation areas' requires the extraction of minerals prior to development taking place within MSAs, subject to site investigations and assessment. This prior extraction not only prevents mineral being sterilised but will also reduce the demand on primary minerals being extracted in other areas. Where such sites have been previously developed the Mineral Site Assessments have taken into account the potential for on-site demolition materials to be processed and recycled. E.g. former Mile Cross depot, Norwich. The policy requires the Mineral Planning Authority to be consulted on non-mineral development within MSAs, thereby providing opportunity for the MPA to respond to and influence such proposals.

5.5 Policy WP17 (safeguarding waste management facilities). The policy requires the Waste Planning Authority to be consulted on all development proposals within the consultation areas (except for excluded development types set out in Appendix 4 of the NM&WLP), thereby providing opportunity for the WPA to comment on and influence such proposals. Safeguarded secondary and recycled aggregate facilities would be protected as the policy states that 'The County Council will oppose development proposals which would prevent or prejudice the use of safeguarded facilities for those purposes unless suitable alternative provision is made, or the applicant demonstrates that those facilities no longer meet the needs of the waste management industry….'

5.6 We consider that the NM&WLP, is commensurate in terms of influencing non-mineral development. As part of the Duty to Co-operate, the Minerals and Waste Planning Authority responds to consultations on other LPAs' Local Plans and relevant planning applications and has regular meetings with Norfolk's LPAs. These consultations provide an opportunity for NCC to signpost the LPAs to minerals and waste considerations in the NPPF, which they can apply to their own planning policies, including the use of secondary and recycled aggregates etc.

6. Does the Plan provide sufficient guidance to applicants and District Council's as to how compliance with MSO3 is expected to be achieved?

NCC response:

6.1 To an extent, the answer to this question is contained in the response to Question 1, which explains the guidance that is provided in the NM&WLP regarding the contribution that secondary and recycled aggregates should make as an alternative to primary land won aggregates. It also explains how Strategic Objective MS03 is expected to be achieved, and the policies which underpin the objective, based on the type of proposal that is being considered.

6.2 The relevant parts of policies MP3, MP10, MP11, WP3, WP4 and WP17 contribute to achieving Strategic Objective MSO3 (to encourage sustainable use of minerals by utilising secondary and recycled aggregates which will reduce the reliance on primary aggregates).

6.3 Additionally, Norfolk County Council's Validation Requirements for Minerals and Waste Planning Applications (document D2) requires all applications for major development (i.e. all minerals and waste development) to provide a Climate Change, Energy Statement, Renewable Energy and Sustainability Statement. The statement should provide details of how sustainable design and construction have been addressed including minimising waste and increasing recycling and maximising use of sustainable materials. Norfolk County Council's Validation Requirements for County Council (Regulation 3) Planning Applications also contains a requirement for all applications for major development to provide a Climate Change, Energy Statement, Renewable Energy and Sustainability Statement.

6.4 The Council considers that the NM&WLP provides sufficiently robust policy and guidance on how MS03 is to be achieved. In particular, WP11 ensures that potentially recyclable inert waste is not disposed of. It is considered that the inclusion of secondary and recycled aggregates in both minerals and waste policies and the supporting text of the plan is appropriate.