



**Norfolk** County Council

# **Norfolk Minerals and Waste Local Plan**

## **Main Matter 8 – Waste Management**

**Norfolk County Council**

**Hearing Statement**

**May 2024**

## **Norfolk Minerals and Waste Local Plan Norfolk County Council Hearing Statement - Matter 8 (May 2024)**

**Issue:** Whether the Plan's overall approach and policies in relation to waste that needs to be managed in the plan area over the plan period are robust, justified, effective and consistent with national policy.

### **1. Does the Waste Management Capacity Assessment (2022) provide an appropriate and robust mechanism to support the identification of the future waste management needs set out in Policy WP1 and does it adequately take into account future growth forecasts?**

#### **NCC response:**

**1.1** The Waste Management Capacity Assessment (2022) (Document B2) provides an appropriate and robust mechanism to support the identification of future waste management needs set out in Policy WP1, using the best available and most up-to-date data sources at the time, and in line with the NPPW and Waste PPG. It has shown that there is sufficient capacity within existing waste management facilities in Norfolk to meet the forecast waste arisings during the Plan period.

**1.2** The Waste Management Capacity Assessment establishes a baseline and forecasts future growth for Local Authority Collected Waste, commercial and industrial waste, inert/construction and demolition waste and hazardous wastes. Consideration is also given to radioactive waste and agricultural waste arisings.

**1.3** Section 2 of the Waste Management Capacity Assessment assesses existing waste management capacity at facilities in Norfolk, using information from the Environment Agency Waste Data Interrogator (WDI). The amount of waste managed by individual sites varies from year to year. The assessment uses the total waste received by each type of waste management facility, in each year of a four-year period and takes the maximum total waste received in any year during that period as the existing waste management capacity for those facilities, totalling 3.534 million tonnes per annum (tpa). Additional permitted and implemented capacity from new facilities (over 0.25 million tpa) has been added to the existing waste management capacity and the remaining void capacity at landfill sites and for quarry restoration has also been taken into account (6.285 million cubic metres at the end of 2020).

**1.4** Section 3 of the Waste Management Capacity Assessment assesses the movement of waste to and from Norfolk, including whether there are any significant waste streams moving to specific facilities, using information contained within the WDI.

**1.5** Section 4 forecasts the waste quantities likely to arise within Norfolk for the plan period to 2038. These forecasts are made using a variety of data sources, including the East of England Forecasting Model, Norfolk's Local Planning Authorities' planned housing trajectories and the Environment Agency WDI. The validity and accuracy of each data source and the context and temporal factors are analysed and accounted for in the forecasting.

**1.6** The growth forecast for Local Authority Collected Waste (LACW) equates to a growth of 1.28% per annum over the Plan Period, from 408,000 tonnes in 2019/20 up to 502,000 tonnes in 2037/38. The growth rate for LACW is based on the planned delivery of new homes per annum in the Local Plans of Norfolk's Local Planning Authorities, which was an approach supported by the Waste

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Disposal Authority and in line with the Waste PPG (paragraph Ref ID: 28-029-20141016 and 28-030-20141016).

**1.7** Estimates for the growth of Commercial and Industrial (C&I) waste is based on the Gross Value Added (GVA) economic forecasts derived from the East of England Forecasting Model. The selected business sectors used are consistent with those used in the historic Defra surveys of C&I waste. The annualised growth percentage is approximately 1.35% for Norfolk. Therefore C&I waste arisings are forecast to increase from 1.539 million tonnes in 2019/20 to 1.959 million tonnes in 2037/38. This approach is in line with the PPG (paragraph Ref ID: 28-032-30141016).

**1.8** Arisings of inert waste are assumed to remain constant over the Plan period at 1.1 million tpa, based on the data in the WDI and in line with the Waste PPG (paragraph Ref ID: 28-033-20141016) which states that Waste Planning Authorities should start from the basis that net arisings of construction and demolition waste will remain constant over time.

**1.9** Norfolk's hazardous waste arisings are forecast to remain stable at 90,000 tpa during the Plan period. This is based on time-series data from the WDI and HWI covering the period from 2013 to 2020 in line with the Waste PPG (paragraph Ref ID: 28-034-20141016) that growth projections should be made by projecting forward trends from time-series data.

**1.10** LACW, C&I waste, inert waste and hazardous waste quantities are forecast to reach approximately 3.651 million tpa by the end of the Plan period. Therefore, the Waste Management Capacity Assessment has adequately taken into account future growth forecasts.

### **2. Does the approach taken in the Plan to not identify any specific allocations for new waste management facilities inhibit the movement of waste management up the waste hierarchy?**

#### **NCC response:**

**2.1** No, the approach taken in the Plan to not identify any specific allocations for new waste management facilities does not inhibit the movement of waste management up the waste hierarchy.

**2.2** The Waste Management Capacity Assessment (document B2) has concluded that sufficient existing waste management capacity already exists to accommodate the forecast growth in waste arisings over the Plan Period. Therefore, it is not considered necessary to allocate any waste management sites in the NM&WLP.

**2.3** However, planning applications for new waste management facilities are still expected to come forward during the Plan period, both to move waste management up the waste hierarchy and because waste management is a contract driven and competitive industry. It has therefore been concluded that criteria-based waste policies offer the best opportunity for innovative waste management facilities to come forward, which move waste up the hierarchy, in step with market demand and locations best able to serve this demand.

**2.4** The NM&WLP Strategic Objectives WSO1 and WSO2 support the vision and compliance with national policy to drive waste up the waste hierarchy. These objectives are to be achieved by the suite of waste management specific policies, WP1 to WP17. Policies WP4 to WP15 address requirements of specific

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types of waste management development, as well as the waste management capacity (Policy WP1), the spatial strategy (Policy WP2) and the land suitable for waste management facilities (Policy WP3). The monitoring framework, in particular indicators number 5-11 (inclusive) will be reported in annual monitoring reports, and any significant changes will trigger a review of the waste management approach, in accordance with national policy and guidance.

### **3. Policy WP2 – Does the policy adequately recognise the proximity principle and should it also recognise that there may be other environmental constraints, such as flood risk and nutrient neutrality, which may provide justification for waste management facilities to be beyond the five and three mile distance to urban areas and main towns?**

#### **NCC response:**

**3.1** Yes, Policy WP2 is written to favour locations for waste management facilities which are in proximity to Norfolk's urban areas and main towns, which are the locations of the greatest housing and employment growth in Norfolk during the Plan period and therefore where the majority of waste arisings would be generated. The policy states that facilities should be located within five miles of one of Norfolk's urban areas or three miles of one of the main towns.

**3.2** Paragraph W2.1 within the supporting text for Policy WP2 sets out the factors which have been considered in the spatial strategy for waste management facilities.

**3.3** Nutrient neutrality (which is principally concerning development with overnight accommodation) was not used as a constraint in principle because the potential effect would be dependent on specific factors related to the facility type creating a source of water pollution with hydrological connectivity to a relevant designated site which, in the case of a waste management facility, would be likely to be controlled by an Environmental Permit and not a planning permission and would be assessed through a site specific Habitats Regulations Appropriate Assessment at the planning application stage if required.

**3.4** In terms of flood risk, the Sustainability Appraisal recognises that there is land within the 3-mile and 5-mile areas that is in higher-risk flood zones and also land in lower-risk flood zones. Therefore, there are locations within the 3-mile and 5-mile areas where it would be possible for sites to be developed which would not have an unacceptable impact on flood risk.

**3.5** As in other types of development, such as housing and employment, factors such as flood risk and nutrient neutrality may be dealt with by mitigation measures through a suitable application, such that no unacceptable adverse impacts occur. Policy MW1 (Development Management Criteria) would provide an appropriate policy means of ensuring such mitigation. Policy MW1 states that proposals must demonstrate that the development would not have an unacceptable impact on flood risk from all sources. This would be demonstrated through a site-specific flood risk assessment at the planning application stage. Paragraph 162 of the NPPF (September 2023) sets out the sequential test to steer new development to areas with the lowest risk of flooding from any source. Therefore, proposed development would seek sites with the lowest flood risk within the 3-mile and 5-mile areas and, in accordance with the NPPF, development should not be permitted if there are reasonably available

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appropriate sites in areas with lower risk of flooding. In terms of other environmental constraints, it is considered that there is sufficient potential for a suitable site location within the distances specified in the policy.

**3.6** Planning permissions do not often restrict the location of the source of the waste and therefore the policy approach is considered to be appropriate. If the distances were increased (for example to 5 miles from all the listed settlements) then this would cover virtually all of Norfolk and therefore would not be a spatial approach to planning for waste management facilities. The rural areas of Norfolk that are not included within the specified distances (particularly parts of North Norfolk, Breckland SPA/SAC and the Broads) are either not suitable or less suitable for waste management facilities and therefore the aim of the policy is to direct waste management facilities towards more suitable locations. The more rural areas of Norfolk also have less appropriate transport infrastructure whilst the urban areas and towns benefit from the greatest level of connectivity to the Strategic Highway Network and other infrastructure.

### **4. Policy WP4 – Should the policy provide a more positive approach to the provision of secondary and recycled aggregates? Is it clear how this policy contributes to Strategic Objectives WSO3 and MSO3 and is it sufficiently reflective of paragraph 210 (b) of the NPPF (September 2023)?**

**NCC response:** The following response deals with each of the three questions raised above in turn:

**4.1** The basis for the requirements within Policy WP4 is to control the continued use of mineral workings when the principal use of the site has become construction, demolition and excavation (C,D&E) waste recycling 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 management facilities of this type, which would be more suitable on the types of land set out in Policy WP3:

- land benefiting for a permanent permission for an existing waste management use,
- land in existing industrial use (B2 use class) or in existing storage or distribution use (B8), or land allocated for B2 and B8 uses in a local plan or DPD,
- land within or adjacent to reduntant agricultural and forestry buildings,
- previously developed (brownfield) land.

**4.2** It is considered that the NM&WLP provides a positive approach to the provision of secondary and recycled aggregates through Policy WP3 for permanent facilities, and on a temporary basis within sand and gravel workings, as such operations can enable the restoration of the working by providing a source of fines and soils suitable for infilling. However, as the restoration object of most mineral extraction permissions is to ensure that the site is returned to open countryside, and the NPPF specifically excludes restored mineral workings from the definition of 'Previously developed land' within the glossary; it is not generally appropriate for these sites to contain permanent aggregate recycling facilities.

**4.3** However, mineral workings do provide an appropriate temporary location for these facilities, and 14 of the recycled aggregate sources (approximately half of

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the total) listed within the Local Aggregate Assessment (document D1) are located at operational sand and gravel workings. As mineral sites are worked and restored, it has generally been the case that the recycling facilities move to new operational mineral workings, as many of Norfolk's mineral operators also process and provide recycled aggregates.

**4.4** Policy WP4 should be read in conjunction with Policy WP3 in assessing its contribution to achieving Strategic Objectives WSO3 and MSO3. As has been stated above the requirements in Policy WP4 are primarily to control temporary recycled aggregate facilities located at operational sand and gravel workings, to prevent these becoming 'permanent' facilities in the open countryside which would generally be inappropriate in planning terms. Policy WP3 lists land types suitable for such facilities which would generally be more sustainable and environmentally acceptable locations for permanent development. In particular as land for B2 or B8 uses, is likely to benefit from good transport links to the strategic highway network.

**4.5** Policy WP4 is sufficiently reflective of paragraph 210 (b) of the NPPF (September 2023) as it takes into account 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 by providing for the temporary location of recycled aggregate facilities at operational sand and gravel workings where they can provide an additional material stream for mineral operators to offer to potential customers, and provide a source of fines and soils for timely quarry restoration. However, it also controls the duration of such facilities to the lifetime of the mineral working as such locations are likely to be inappropriate for permanent facilities and in accordance with the NPPF (September 2023) paragraph 211 (e) proposals mineral extraction should provide for restoration and aftercare at the earliest opportunity. Policy WP3 provides a list of generally suitable land types for permanent waste management facilities including recycled aggregate sites. This policy is also reflective of paragraph 210 (b) through positive wording of suitable land types.

**5. Policy WP7 – Should “may” in the first sentence be replaced with “will” in order to be consistent with Policy WP3 and paragraph W7.5? Otherwise, additional explanatory text may be necessary to explain why proposals for Household Waste Recycling Centres “may” only be acceptable on the types of land identified within Policy WP3.**

**NCC response:** We agree that in order to be consistent with Policy WP3 and paragraph W7.5 'may' should be replaced by 'will' in the first sentence of Policy WP7.

**6. Policy WP13 – Should the policy make reference to the need for suitable restoration of sites such as that provided in Part 'e' of Policy WP12?**

**NCC response:** We agree that it would be beneficial for Policy WP13 to include reference to the need for suitable restoration of sites. This requirement could be added as an additional bullet point in the policy to state: "the proposals demonstrate that there will be improvements to biodiversity, landscape, the historic environment and/or amenity on restoration, when compared to the baseline prior to landfill". This amendment to the policy wording will be proposed as a main modification.

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**7. Policy WP14 – Should the policy refer to the need for development, where appropriate, to demonstrate the contribution that it would make to water quality improvement?**

**NCC response:** We agree that the policy should refer to the need for development, where appropriate, to demonstrate the contribution that it would make to water quality improvement. The policy wording currently states that development will only be acceptable where such proposals aim to treat a greater quantity of wastewater and/or improve the quality of discharged water and/or reduce the environmental impact of the development. The following additional text is proposed to be included in the policy: "Where appropriate, applications will also need to demonstrate the contribution that the development would make to water quality improvement". This amendment will be proposed as a main modification.

**8. Policy WP15 - Is the requirement for a longer-term masterplan reasonable and necessary? Are the requirements of paragraph W15.4 also reasonable and necessary and, if so, how can the proposals contained within the paragraph be delivered?**

**NCC response:**

**8.1** Whitlingham Water Recycling Centre (WRC) is the most significant WRC in Norfolk in terms of the population it serves (namely Norwich and the surrounding area) and one of only two sludge treatment centres in Norfolk. Anglian Water have identified investment is required to extend the plant to cater for population and housing growth, meet environmental obligations and to treat greater quantities of sludges from other water recycling centres. Therefore, the requirement for a longer-term masterplan is reasonable and necessary so that the significance and cumulative impact of individual development proposals at Whitlingham WRC can be most effectively understood and assessed in the context of Anglian Water's strategy for Whitlingham WRC. The Drainage and Wastewater Management Plan produced by Anglian Water is a high-level document and does not contain any development specific details of future proposals for improvements to Whitlingham WRC. A masterplan is a document in which a greater level of site specific and proposal specific detail would be included.

**8.2** We have proposed an additional modification (in document A25) to paragraph W15.5 to recognise that the masterplan should cover a period of at least five years as this would align with the Asset Management Plan (AMP) periods. Following further discussion and correspondence with Anglian Water after the Regulation 19 stage took place, we have discussed that the masterplan would be a medium-term strategy for Whitlingham WRC and sludge treatment centre covering: the current role and function of the site as a water recycling and sludge treatment centre, the scope of future investments in the AMP period and environmental obligations that are required, and setting out when and where built development that may require planning permission is likely to be required, if known at the time. Planning applications submitted for development proposals at Whitlingham WRC would then explain how the proposed development aligns with the masterplan.

**8.3** The requirements of paragraph W15.4, regarding the Whitlingham Local Liaison Group are reasonable and necessary (subject to the proposed additional modification to provide flexibility in the frequency of meetings) because of the

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significance, location and proposed future developments at Whitlingham WRC/STC as set out above. The re-establishment of a Local Liaison Group should be used by Anglian Water to provide updates to stakeholders and discuss forthcoming developments and changes to design, delivery and implementation at the WRC/STC.

**8.4** Whilst Anglian Water raised an objection to paragraph W15.4 in their representation ID 99279, a Statement of Common Ground has subsequently been produced with Anglian Water (document A19) in which Anglian Water requested a modification to paragraph W15.4, which has been included in the proposed additional modifications document (A25) and provides flexibility for the frequency of meetings of the Whitlingham Local Liaison Group. Anglian Water also stated within the SOCG that they are not opposed to the re-establishment of such a group and would work with the Council to support any such requirement. There has previously been a Local Liaison Group for Whitlingham, set up in 2010, but it has not met for a number of years. There are a number of active local liaison groups for other large minerals and waste sites within Norfolk and these have generally been delivered through a planning condition.

### **9. Policy WP16 – Should the policy also identify that compliance with Policy MW1 will also be necessary?**

**NCC response:** Whilst some other policies which apply to particular types of development include a cross reference to policy MW1 for clarity, we consider that Policy WP16 does not need to identify that compliance with Policy MW1 will also be necessary because the policies in the Plan should be read as a whole.

### **10. Policy WP17 - Is the appropriate balance struck between the needs of competing development with the need to safeguard waste management facilities, in particular, is the justification for a 250m buffer clear? Does the Plan provide sufficient guidance to applicants and District Council's as to how Policy WP17 should be implemented? Is the input threshold of 20,000 tonnes per annum too high such that hazardous waste management facilities may not be safeguarded?**

#### **NCC response:**

**10.1** An appropriate balance is struck between the needs of competing development with the need to safeguard waste management facilities in Policy WP17. The 250m consultation area around each safeguarded waste management facility is not a buffer, it is the area within which Norfolk County Council as the Waste Planning Authority (WPA) should be consulted on relevant planning applications. Policy WP17 sets a requirement for Norfolk County Council, as the WPA, to be consulted by Norfolk's Local Planning Authorities (LPAs) where non-waste applications are received within the consultation area. For existing safeguarded waste management facilities, the purpose of this consultation is to ensure that non-waste development in proximity to safeguarded sites does not prevent or prejudice continued operations. We consider that Policy WP17 strikes an appropriate balance between the needs of competing development with the need to safeguard waste management facilities, with the applicant required to assess potential impacts and suggest appropriate mitigation measures through a Waste Management Facilities Impact Assessment. The policy sets out the circumstances in which the WPA would



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object to non-waste development proposals located within the consultation area, however it would be for the relevant LPA, determining the planning application, to decide whether there are compelling reasons for overriding the safeguarding objection.

**10.2** Whilst the 250m consultation area is not a buffer, we recognise that the reason that a 250m distance has been used is not set out in the NM&WLP, although this distance is the same as that used in the adopted Norfolk Minerals and Waste Core Strategy, Policy CS16 on safeguarding minerals and waste sites. The justification for the 250m consultation area is that 250m represents a distance at which amenity impacts (such as noise and dust) could be mitigated to acceptable levels with the minimum of controls.

**10.3** The Plan does provide sufficient guidance for applicants for non-waste development and Local Planning Authorities as to how Policy WP17 should be implemented, both in Policy WP17 and with detailed information provided in the appendices. Appendix 4 contains the list of development excluded from the safeguarding provisions of this policy. Appendix 9 contains the schedule of requirements of a Waste Management Facilities Impact assessment.

**10.4** With regards to the question of whether the input threshold of 20,000 tonnes per annum is too high such that hazardous waste management facilities may not be safeguarded, there are hazardous waste management facilities in Norfolk with a throughput of less than 20,000 tonnes per annum. Such facilities transfer and treat wastes including asbestos, oil, waste electrical and electronic equipment, waste from the off-shore oil and gas industry and end-of-life vehicles. Some of these facilities receive less than 5,000 tonnes of waste per annum. However, the purpose of the policy is to safeguard larger waste management facilities. Waste management facilities can be located on land in existing employment use, land permitted or allocated for employment use, previously development land and land within or adjacent to redundant agricultural and forestry buildings. As a range of locations are potentially suitable it is not considered necessary to safeguard the smallest waste management facilities.