



Norfolk County Council

Norfolk Minerals and Waste Local Plan

Main Matter 6 – Protecting Mineral Resources, Infrastructure and Facilities

Norfolk County Council

Hearing Statement

May 2024

Issue: Whether the Plan adequately balances the needs of competing development.

1. Is the appropriate balance struck between the needs of competing development with the need to protect the mineral resource, in particular, is the justification for a 250m buffer clear?

NCC response:

1.1 There is no 250m buffer surrounding mineral resources. The consultation area for safeguarded mineral resources is on the same boundary as the Mineral Safeguarding Area for the resource. There is a 250m consultation area surrounding the boundaries of existing mineral extraction sites and infrastructure sites, but this is not a buffer or standoff area. Policy MP11 sets a requirement for Norfolk County Council to be consulted by Norfolk's Local Planning Authorities where non-mineral applications are received within the consultation area. For existing mineral sites, the purpose of this consultation is to ensure that non-mineral development in proximity to sites does not prejudice continued operations. The consultation areas for mineral resources operate in a similar way but the purpose is to determine whether the proposed development has appropriately taken into account the requirement to prevent needless sterilisation of mineral resources. We consider that Policies MP11 and MP10 do appropriately balance the competing land uses, with the applicant required to assess potential impacts and suggest appropriate mitigation measures, which requires a Mineral Resource Assessment for mineral resources. The policies set out the circumstances in which the Mineral Planning Authority would object to non-mineral development proposals located within mineral consultation areas and mineral safeguarding areas; however, it would be for the relevant Local Planning Authority, determining the application to decide whether there are compelling reasons for over-riding the safeguarding objection.

1.2 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. The Institute of Air Quality Management's 'Guidance on the Assessment of Mineral Dust Impact for Planning' (2016) states that adverse dust impacts from sand and gravel sites are uncommon beyond 250m measured from the nearest dust generating activities and it is commonly accepted that the greatest impacts will be within 100m of a source.

2. Does the Plan provide sufficient guidance to applicants for non-minerals development and District Council's as to how Policies MP10 and MP11 should be implemented?

NCC response: Yes, the NM&WLP provides sufficient guidance for applicants for non-minerals development and Local Planning Authorities as to how Policies MP10 and MP11 should be implemented, with detailed information provided in the appendices. Appendix 4 contains the list of development excluded from the safeguarding provisions of these policies. Appendix 9 contains the schedule of requirements of a Minerals Infrastructure Impact Assessment. Appendix 10 provides guidance on the process to be followed and information to be provided for non-mineral applications on Mineral Safeguarding Areas / Mineral Consultation Areas, in accordance with the requirements of Policy MP11.

3. Should Policy MP10 also include facilities for the manufacture of precast blocks and aggregate bagging plants?

NCC response: Policy MP11 safeguards mineral extraction sites and by default, handling and processing of the primary mineral on site, which would include aggregate bagging plants on mineral extraction sites. Policy MP10 includes the safeguarding of storage, handling and processing of mineral brought in by rail and port facilities; the majority of material brought in by such means would be primary land-won mineral. However, the policy specifically mentions ...'including recycled, secondary, and marine-dredged materials', to reinforce that importation of such material by rail or port facilities could occur. Policy MP10 includes the safeguarding of sites for the manufacture of concrete products, which would include blockworks. Policy MP10 part b states, 'Existing, planned and potential sites for...other concrete products'. Therefore, we do not consider that any changes are required to Policy MP10.

4. Should the area defined as a mineral resource safeguarding area for silica sand be increased to include the Carstone formation as well as the Leziate Member and Mintyn Member resources?

NCC response: No, the area defined as a mineral resource safeguarding area for silica sand should not be increased to include the carstone formation. The Leziate member and Mintlyn member resources are already included in their entirety within the current adopted and proposed silica sand Mineral Safeguarding Area (MSA), which is also a Mineral Consultation Area (MCA). The Carstone formation is also included as an MSA/MCA. The purpose of the existing MSA/MCA is to require the borough council to consult with the Mineral Planning Authority on non-mineral planning applications. This would occur regardless of whether the MSA/MCA is defined for silica sand or carstone. Parts of the Carstone Formation overlie the silica sand beds but this is both variable in terms of extent and also the depth of the overlying Carstone. It would be disproportionate to consider safeguarding the whole of the Carstone formation for silica sand as whilst Sibelco has supplied additional information on some small parts of the resource this does not provide sufficient information to justify an extension of the silica sand safeguarding area to cover the whole Carstone Formation.

5. Are the requirements of Appendix 10 too onerous and should Policy MP11 recognise that the cost of undertaking a Mineral Resource Assessment for smaller scale development, such as smaller housing sites, which are not excluded from safeguarding provisions, may have a detrimental impact on the viability of such development?

NCC response:

5.1 NCC as the Mineral Planning Authority considers that Policy MP11 and Appendix 10 are in accordance with published advice from the British Geological Survey 'A guide to mineral safeguarding in England' (2007), the published 'Minerals Safeguarding Practice Guidance' (v1.4, 2019) from the Mineral Products Association/Planning Officers Society, and that contained within the PPG (Paragraph ID 27-002-20140306 to 27-005-20140306), regarding the need to establish the quality of mineral underlying a proposed non-mineral development within a Mineral Safeguarding Area, and the need for a Mineral Resource Assessment to be carried to an acceptable standard and by an appropriately qualified professional. It is not considered to be an onerous requirement because a Flood Risk Assessment (FRA) would be required for all developments over 1 hectare and the policy only applies to developments over 2 hectares, therefore all developments would need to carry out an FRA. It is not possible to assess the quality of the mineral without Particle Size Distribution testing, and some site investigation would be required for both the FRA and to determine ground conditions so that an appropriate strategy for construction elements such as foundations can be designed.

5.2 The imposition of MMP-Ms (Materials Management Plan – Minerals) through planning conditions has been part of the mineral resource safeguarding process enabled by the adopted Norfolk Minerals and Waste Core Strategy Policy CS16 since 2013, and there are many successful examples. It is carried out regularly on planning applications for non-minerals development located on a Mineral Safeguarding Area, and it has not been found to prejudice the delivery of non-mineral development such as housing. Therefore, we do not consider that any changes are required to Policy MP11 or Appendix 10.

6. Should criterion in Policy MP11 also recognise the effect that the prior extraction of minerals can have on the overall viability of a non-minerals development with a view to demonstrating that prior extraction may not be economically feasible?

NCC response:

6.1 Policy MP11 already includes the wording '...whether the mineral could be economically extracted prior to the development taking place'. The policy further states that this information should be contained within a Mineral Resource Assessment (MRA). However, fundamental to these assessments is the recognition that prior extraction can take place at variable scales dependent on the nature and scale of the proposed development, and the underlying mineral resource, including its potential suitability for reuse in the construction phases of the development. Appendix 10 contains more detailed information on such considerations.

6.2 There is a tendency for prospective developers of non-mineral development to assume that 'prior extraction' effectively means a commercial scale mineral working to the full depth of the resource. Appendix 10 is explicit in setting out

that 'prior extraction' can be at various scales and should not be viewed as an impediment to the proposed non-mineral development. Appendix 10 paragraph A10.4.4 states that 'The nature of any potential prior mineral extraction would be likely to be shallow in comparison with dedicated sand and gravel workings, because of the intended final use of a site for non-mineral development.' That paragraph then goes on to briefly discuss the potential scales that might be appropriate dependent upon site topography and whether the proposed development is residential or non-residential. Appendix 10, paragraph A10.4.6 further states that 'The MPA will not always require prior extraction to take place across the full extent of the development site, nor to the full depth of the resource.' Appendix 10, paragraph A10.5.2 as part of its conclusion, states that 'The MRA should provide conclusions on the practicality of prior extraction, which should be made in the context of the viability of the non-mineral development that is creating the sterilisation risk. Assessing the practicality of prior extraction as a standalone operation is to assess a false premise.'

6.3 Therefore, it is considered that Policy MP11 and its associated Appendix 10 appropriately recognises prior extraction and how this can be balanced with the proposed non-mineral development including viability; and that no additional text is required.