



**Norfolk** County Council

# **Norfolk Minerals and Waste Local Plan**

## **Main Matter 7 – Restoration of Mineral Sites**

**Norfolk County Council**

**Hearing Statement**

**May 2024**

**Issue:** Whether the Plan's overall approach and policies in relation to site restoration are justified, effective and consistent with national policy.

- 1. In the third bullet point of MP7, how is a high-quality landscape to be assessed? Furthermore, should a restored landscape be commensurate with the landscape character of an area as opposed to being "distinctive" which suggest that it would not accord with local landscape character?**

**NCC response:**

**1.1** A high-quality landscape would be assessed by a Landscape Architect within Norfolk County Council's Natural Environment Team as part of the assessment of a planning application. This is a qualitative assessment, which would include a review of the Landscape and Visual Impact Assessment submitted with the planning application, in accordance with the Landscape Institute's Technical Guidance Note 1/20 'Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs)' (10 Jan 2020)'.

**1.2** The Landscape Architect's assessment of high-quality would consider context, value, sensitivity and character and include: whether the scheme's design would assimilate with the landscape (in keeping with the surrounding landscape type and character); whether materials (both hard, soft and any boundary treatments) have been chosen to result in a design which is visually and environmentally sound, such as a varied planting pallet to consider long term climate changes or potential pests/diseases, planting which is not only suitable for the context, but also suitable for the proposed long term usage; the design of any public access to the restored site and a justified rational for the restoration choices (whether that is back to the original landuse - such as agriculture - or to a different landuse).

**1.3** The policy reference to creating 'locally distinctive' landscapes means landscapes that are in accordance with the distinctive character of the local area, as detailed in the local Landscape Character Assessments published by Norfolk's Local Planning Authorities. Therefore, a locally distinctive landscape would be commensurate with the landscape character of an area.

**1.4** In order to provide clarity on both these aspects of the policy, we propose an additional modification to the supporting text to Policy MP7 to state "Norfolk's Local Planning Authorities have published local Landscape Character Assessments (LCAs). Landscape character assessment (LCA) is the process of identifying and describing variation in character of the landscape. LCA documents identify and explain the unique combination of elements and features that make landscapes distinctive by mapping and describing character types and areas. They also show how the landscape is perceived, experienced and valued by people. Where Policy MP7 refers to 'locally distinctive landscapes' this means landscapes that are in accordance with the distinctive character of the local area, as detailed in the published local Landscape Character Assessments. High quality landscapes will be assessed through a review of the submitted Landscape and Visual Impact Assessment, in line with the Landscape Institute's relevant Technical Guidance Note, considering context, value sensitivity and character and including: whether the scheme's design would assimilate with the landscape, choice of materials and planting pallet, the design

of public access to the restored site and a justified rationale for the restoration choices”.

**2. Should Policy MP8, and/or the supporting text, explain the circumstances where aftercare beyond the 5 years may be necessary and the mechanism by which this would be achieved? Otherwise, how would an aftercare strategy of “at least five years” be secured and how would such aftercare period beyond 5 years be justified?**

**NCC response:** We recognise that supporting text to Policy MP8 should set out the circumstances where aftercare beyond the 5 years may be necessary and the mechanism by which this would be achieved in order to provide justification and enable it to be secured. Therefore, an additional modification is proposed to add text to paragraph MP8.3 as follows: “Examples of afteruses that would be likely to require aftercare beyond 5 years include forestry and amenity (including biodiversity), such as restoration to heathland habitat or to species-rich grassland. Planning conditions and/or longer-term planning obligations will be used to ensure that an aftercare strategy of greater than five years and/or longer-term management is secured where required.”

**3. Is the requirement for the provision of a detailed annual management report necessary, justified and supported by national policy or other policies/objectives in the Plan?**

**NCC response:**

**3.1** The requirement for the provision of a detailed annual management report is necessary, to set out the measures required, following the annual aftercare inspection, to achieve the outline aftercare strategy on the site to bring the land to the required standard for the use that the site is to be restored to. The requirement for the provision of a detailed annual management report is justified, in that it is appropriate, reasonable and based on proportionate evidence because it is supported by the Planning Practice Guidance.

**3.2** Paragraph reference 27-056-20140306 of the PPG (Minerals) states that the following information is required from a mineral operator to secure a successful aftercare scheme: “The mineral planning authority should seek to ensure that the operator provides:

**3.3** An outline strategy of commitments for the 5 year aftercare period (or longer if agreed between the applicant and the mineral planning authority) and; At the start of aftercare, and in each year of the aftercare period, a review of the previous years’ management and a detailed programme for the forthcoming year.”

**3.4** Therefore, the annual management report would contain the information set out in the second bullet point of paragraph 27-056-20140306 of the PPG (Minerals).

**3.5** As the purpose of the annual management report is to set out the measures required to achieve the aftercare strategy, its use is also supported by the NM&WLP Minerals Strategic Objective MSO9 “To positively contribute to the natural, built and historic environments with high quality, progressive and expedient restoration to achieve a beneficial afteruse. The restoration scheme and aftercare will protect and enhance the environment, including landscape improvements and the provision of biodiversity net gains.”

**3.6** To provide clarity, an additional modification has been proposed to add a new sentence to the end of supporting text paragraph MP8.1 to state: "The national Planning Practice Guidance (paragraphs 27-056-20140306 to 27-058-20140306) contains further details on the information that should be contained within the outline aftercare strategy and the detailed aftercare programme."

**3.7** An additional modification has also been proposed to add a new sentence to supporting text paragraph MP8.3 to state: "The approved aftercare would be secured by planning condition or a legal agreement as appropriate".

**4. Is the Plan clear in explaining the benefit and useful purpose of such reports and how their content will inform any subsequent actions by the MPA?**

**NCC response:**

**4.1** The benefit and useful purpose of annual management reports is as set out in the PPG (Minerals), particularly paragraph ID: 27-058-20140306 regarding the detailed programme: "The detailed programme should: elaborate on the outline strategy for work to be carried out in the forthcoming year; confirm that steps already specified in detail in the outline strategy will be carried out as originally intended; and to include any modifications to original proposals, eg due to difficulties between actual and anticipated site conditions." This information would be contained in the annual management report with the purpose to set out the measures required to achieve the aftercare strategy and the agreed restoration scheme. The content of the report will inform any subsequent actions by the Mineral Planning Authority by enabling the MPA to assess compliance with planning conditions and/or legal agreements requiring the restoration to meet an approved scheme and whether the MPA needs to carry out any necessary enforcement action to ensure compliance with planning conditions and/or legal agreements.

**4.2** This information could be set out in more detail in the NM&WLP and therefore an additional modification is proposed, to add additional text to supporting text paragraph MP8.2, setting out the information from the PPG (Minerals) referred to above and explaining that the purpose of the annual management plan is to set out the measures required to achieve the aftercare strategy and the agreed restoration scheme.

**5. Is there a conflict between paragraph MP8.3, which identifies that the requirement for annual reports will be assessed on a case-by-case basis, and Policy MP8 which provides no such flexibility and can be interpreted that an annual report will be required in all cases?**

**NCC response:** There is not a conflict between paragraph MP8.3 and Policy MP8. Paragraph MP8.3 states that annual reports after the initial five-year period will be assessed on a case-by-case basis. Policy MP8 states that planning conditions and/or longer-term planning applications will be used to ensure that an annual management report is provided. However, to avoid potential confusion we propose a main modification to Policy MP8 to add additional text as follows: "Planning conditions and/or longer-term planning obligations will be used to ensure that a detailed annual management report is provided for the duration of the aftercare period, where required."