

Cabinet

Date: **Monday 4 July 2022**

Time: **10 am**

Venue: **Council Chamber, County Hall, Martineau Lane,
Norwich NR1 2DH**

Membership

Cabinet Member:	Responsibility:
Cllr Andrew Proctor	Chair. Leader and Cabinet Member for Strategy & Governance.
Cllr Graham Plant	Vice-Chair. Deputy Leader and Cabinet Member for Growing the Economy.
Cllr Bill Borrett	Cabinet Member for Adult Social Care, Public Health & Prevention
Cllr Margaret Dewsbury	Cabinet Member for Communities & Partnerships
Cllr John Fisher	Cabinet Member for Children's Services
Cllr Tom FitzPatrick	Cabinet Member for Innovation, Transformation & Performance
Cllr Andrew Jamieson	Cabinet Member for Finance
Cllr Greg Peck	Cabinet Member for Commercial Services & Asset Management
Cllr Eric Vardy	Cabinet Member for Environment & Waste
Cllr Martin Wilby	Cabinet Member for Highways, Infrastructure & Transport

Advice for members of the public:

This meeting will be held in public and in person.

It will be live streamed on YouTube and, members of the public may watch remotely by clicking on the following link: [Norfolk County Council YouTube](#)

However, if you wish to attend in person it would be helpful if, you could indicate in advance that it is your intention to do so as public seating will be limited. This can be done by emailing committees@norfolk.gov.uk.

The Government has removed all COVID 19 restrictions and moved towards living with COVID-19, just as we live with other respiratory infections. However, to ensure that the meeting is safe we are asking everyone attending to practice good public health and safety

behaviours (practising good hand and respiratory hygiene, including wearing face coverings in busy areas at times of high prevalence) and to stay at home when they need to (if they have tested positive for COVID 19; if they have symptoms of a respiratory infection; if they are a close contact of a positive COVID 19 case). This will help make the event safe for all those attending and limit the transmission of respiratory infections including COVID-19.

A g e n d a

1 To receive any apologies.

2 Minutes

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To confirm the minutes from the Cabinet Meeting held on Monday 6 June 2022

3 Members to Declare any Interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4 Matters referred to Cabinet by the Scrutiny Committee, Select Committees or by full Council.

5 To receive any items of business which the Chair decides should be considered as a matter of urgency

6 Public Question Time

Fifteen minutes for questions from members of the public of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by 5pm on **Wednesday 29 June 2022**. For guidance on submitting a public question, view the Constitution at <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/councillors-meetings-decisions-and-elections/committees-agendas-and-recent-decisions/ask-a-question-to-a-committee>.

Any public questions received by the deadline and the responses will be published on the website from 9.30am on the day of the meeting and can be viewed by clicking this link once uploaded: [Click here to view public questions and responses](#)

7 Local Member Issues/Questions

Fifteen minutes for local member to raise issues of concern of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by 5pm on **Tuesday 28 June 2022**.

Please note the change in deadline for Local Member Questions.

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| Report by the Executive Director of Community and Environmental Services | |
| 9 Norfolk Social Infrastructure Fund | Page 301 |
| Report by the Executive Director of Community and Environmental Services | |
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| Report by the Executive Director of Community and Environmental Services | |
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- 18 Finance Monitoring Report 2022-23 P12: May 2022** Page 677
Report by the Executive Director of Finance and Commercial Services
- 19 Reports of the Cabinet Member and Officer Delegated Decisions made since the last Cabinet meeting:**
To note the delegated decisions made since the last Cabinet meeting.
- Decisions by the Cabinet Member for Highways, Infrastructure and Transport:**
- [Diss – Vinces Road - Junction Improvement – Waiting Restrictions](#)
 - [On-street Pay and Display and Residents Parking Permits in Norfolk](#)
 - [Levelling Up Fund Bid for the Southgates and Gyrotory Bus and Active Travel scheme in King's Lynn](#)
- Decision by the Executive Director of Community and Environmental Services:**
- [Extension of Civil Parking Enforcement Powers Delegated to Norwich City Council](#)
- Decision by the Leader and Cabinet Member for Governance and Strategy:**
- [Harleston Town Centre Refurbishment – Proposed Traffic Regulation Orders](#)
- Decision by the Cabinet Member for Innovation, Transformation and Performance:**
- [Future Network Procurement and Implementation](#)
- Decision by the Cabinet Member for Environment and Waste:**
- [Norfolk Local Access Forum appointments](#)
- Decision by the Cabinet Member for Commercial Services and Asset Management**
- [Letting of Compound land \(2.06ac\) at Lowlands Farm, Bacton, Norwich, NR12 0JP \(1007/100\)](#)

Martineau Lane
Norwich
NR1 2DH

Date Agenda Published: 24 June 2022



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Cabinet

Minutes of the Meeting held on Monday 6 June 2022 in the Council Chamber, County Hall, at 10am

Present:

Cllr Andrew Proctor	Chairman. Leader & Cabinet Member for Strategy & Governance.
Cllr Graham Plant	Vice-Chairman and Cabinet Member for Growing the Economy
Cllr Bill Borrett	Cabinet Member for Adult Social Care, Public Health and Prevention
Cllr Margaret Dewsbury	Cabinet Member for Communities and Partnerships
Cllr John Fisher	Cabinet Member for Children's Services
Cllr Tom FitzPatrick	Cabinet Member for Innovation, Transformation & Performance.
Cllr Andrew Jamieson	Cabinet Member for Finance
Cllr Greg Peck	Cabinet Member for Commercial Services and Asset Management
Cllr Eric Vardy	Cabinet Member for Environment and Waste

Executive Directors Present:

James Bullion	Executive Director of Adult Social Services
Paul Cracknell	Executive Director of Strategy and Transformation
Helen Edwards	Monitoring Officer and Director of Governance
Simon George	Executive Director of Finance & Commercial Services
Tom McCabe	Executive Director of Community & Environmental Services and Head of Paid Service

Cabinet Members and Executive Directors introduced themselves.

1 Apologies for Absence

- 1.1 Apologies were received from Cllr Wilby, the Cabinet Member for Highways, Infrastructure and Transport; Cabinet Members wished Cllr Wilby a speedy recovery. Sara Tough was also absent.

2 Minutes from the meeting held on Tuesday 3 May 2022.

- 2.1 Cabinet agreed the minutes of the meeting held on Tuesday 3 May 2022 as an accurate record.

3 Declaration of Interests

- 3.1 No interests were declared.

4 Matters referred to Cabinet by the Scrutiny Committee, Select Committees or by full Council.

- 4.1 None.

Cabinet

Item No: 10

Report Title: Norfolk Minerals and Waste Local Plan

Date of Meeting: 04 July 2022

Responsible Cabinet Member: Cllr Eric Vardy (Cabinet Member for Environment & Waste)

Responsible Director: Tom McCabe, Executive Director of Community and Environmental Services

Is this a Key Decision? Yes

If this is a Key Decision, date added to the Forward Plan of Key Decisions: 3 February 2022

Introduction from Cabinet Member

Norfolk County Council, as Minerals and Waste Planning Authority, has a statutory duty to produce and maintain an up-to-date Minerals and Waste Local Plan which forms the basis for determining any relevant planning applications that are lodged with the authority. The Minerals and Waste Local Plan also forms part of the Development Plan for Norfolk which means it is a consideration in the determination of planning applications lodged with district councils, where there is the potential for those proposals to impact safeguarded minerals or waste management activities. The provision of a steady and adequate supply of minerals and the management of waste constitutes essential infrastructure to support the economic development of the county.

A new Norfolk Minerals and Waste Local Plan (NM&WLP) is being produced to consolidate the three existing plans into one Local Plan, to ensure that the policies within the plan remain up-to-date and to extend the plan period from 2026 to 2038.

Two public consultations have already taken place on the NM&WLP, the 'Initial Consultation' in Summer 2018 and the 'Preferred Options' in Autumn 2019. The responses received have informed the production of the Publication version of the NM&WLP. This report provides information about the Publication document which includes the proposed planning policies for minerals and waste management development and the proposed mineral extraction sites. The next stage in the process is the formal representations period, followed by the submission of the

NM&WLP to the Secretary of State for examination. The draft document is available at [Norfolk Minerals and Waste Local Plan Review](#)

The Council must also prepare and maintain a Minerals and Waste Development Scheme (MWDS) and a Statement of Community Involvement (SCI). The MWDS specifies the Development Plan Documents (DPDs) that the Council will produce together with the timetable for the preparation and revision of the DPDs. The MWDS is required to be kept up to date. The remaining stages in the production of the NM&WLP will not be in accordance with the adopted timetable in the MWDS. A formal revision to the MWDS is, therefore, necessary and attached as Appendix A. The SCI sets out who, how and when we will engage with individuals and groups on planning applications and the Minerals and Waste Local Plan. The existing SCI was adopted in December 2018 and has been reviewed to ensure that it remains up to date. The revised 2022 SCI is attached as Appendix B.

Recommendations:

- 1. To approve and recommend that full Council resolve that the 2022 Minerals and Waste Development Scheme (Appendix A to this report) shall have effect from 11 October 2022 and that this replaces the current MWDS (2019).**
- 2. To approve and recommend Full Council resolve to formally adopt the 2022 Norfolk Statement of Community Involvement (Appendix B to this report) and that this replaces the current SCI (2018).**
- 3. To authorise the Head of Planning to make any further necessary minor corrections, factual updates, formatting changes and other non-material changes that are identified prior to the publication of the NM&WLP;**
- 4. To agree to publish the NM&WLP (incorporating any later suggested modifications approved under recommendation 3b) for representations to be made, over a six-week period starting in September 2022, in accordance with Regulations 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- 5. To authorise the Executive Director of CES, in consultation with the Cabinet Member for Environment and Waste, to review the Pre-Submission representations made. If no fundamental weaknesses are identified, agree to submit the NM&WLP (and supporting/background information) to the Secretary of State for independent examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);**
- 6. To agree to formally request that the appointed independent Planning Inspector makes any necessary Main Modifications under section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended) that he/she judges necessary to make the NM&WLP sound and legally compliant; and**
- 7. To authorise the Executive Director of CES to agree minor modifications to the NM&WLP prior to its submission and to negotiate any modifications necessary to the NM&WLP as part of the Independent Examination.**

1. Background and Purpose

- 1.1 The Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD) was adopted by Norfolk County Council in 2011. The Norfolk Minerals and Waste Site Specific Allocations DPDs were adopted in 2013, while the Minerals Site Specific Allocations DPD was updated in 2017 only with regards to silica sand. These adopted plans cover the period to 2026. As these DPDs were adopted over five years ago, the NM&WLP review process is being carried out to ensure that the Local Plan policies remain up to date, to extend the Plan period to 2038 and to consolidate the three DPDs into one Norfolk Minerals and Waste Local Plan (NM&WLP).
- 1.2 The first stage in the NM&WLP process was a 'call for mineral extraction sites', which took place in July 2017. The sites submitted, together with the existing allocated mineral extraction sites which have yet to obtain planning permission, have been assessed for their suitability for future mineral extraction. The assessment included potential effects to amenity, highway access, the historic environment, archaeology, landscape, public rights of way, ecological designations, geodiversity, flood risk, hydrology, the Water Framework Directive, utilities and safeguarded aerodromes.
- 1.3 In January 2019 a 'call for waste management sites' took place for proposed permanent waste treatment facilities of over 1 hectare in size with an estimated annual throughput of over 50,000 tpa to be considered for inclusion in the M&WLPR. The six sites submitted have been assessed for their suitability to be allocated as future waste management facilities, but no sites are allocated in the Publication version of the M&WLP.
- 1.4 There have been two public consultations on the NM&WLP, the first was the Initial Consultation which took place in summer 2018 and the second was the Preferred Options consultation which took place in autumn 2019. Both of these consultations formed part of the plan preparation stage. The next stage in the local plan process will be the formal representations period on the Publication version of the NM&WLP before it is submitted to the Secretary of State for independent examination.
- 1.5 The current Minerals and Waste Development Scheme (MWDS) came into effect on 1 September 2019. The MWDS contains the timetable for the review of the Minerals and Waste Local Plan which is currently being produced. This report provides information about the proposed changes to the MWDS.
- 1.6 Norfolk County Council, as the Minerals and Waste Planning Authority has a statutory duty to produce a Minerals and Waste Local Plan and to keep it up to date. The government can intervene in local authorities where policies in plans have not been kept up to date. The government also has powers to intervene in the MWDS process, either by directing that a revision take place, or preparing the revision and requiring the planning authority to bring it into effect.

- 1.7 The current Norfolk SCI was adopted in December 2018. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) also requires SCIs to be reviewed every five years, starting with the date of adoption of the SCI. The revised 2022 SCI takes into account changes in legislation, national planning regulations, national and local planning policy and guidance that have taken place since 2018. The Planning and Compulsory Purchase Act 2004 states that the SCI must be adopted by resolution of the local planning authority.

2. Proposal

2.1 Statement of Community Involvement

Under the Planning and Compulsory Purchase Act 2004 (as amended) Norfolk County Council, as a County Planning Authority (CPA) is required to prepare an SCI. The SCI sets out how the CPA will involve the community in the preparation and review of minerals and waste planning policy documents and in the consideration of planning applications being determined by the CPA.

- 2.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) required SCIs to be reviewed every five years, starting with the date of adoption of the SCI. Since the existing SCI was adopted in 2018, there have been several changes to national planning legislation, policy and guidance. The main changes between the existing 2018 SCI and the 2022 SCI recommended for adoption cover the following areas: the use of electronic communications, amendments to reflect data protection legislation and guidance and the impact of unforeseen circumstances such as covid-19. The SCI has also been expanded to reflect the full range of planning authorisations dealt with by the authority and includes community engagement post determination such as during monitoring and in response to breaches of planning control.

- 2.3 The revised 2022 SCI is, therefore, recommended for adoption and is attached as Appendix B to this report.

2.4 Minerals and Waste Development Scheme (MWDS)

The MWDS has been updated and it is recommended to bring the Scheme into effect on 11 July 2022. The Scheme sets out a timetable for producing minerals and waste planning policy documents, specifically the NM&WLP

- 2.5 Changes are required to the timetable in the MWDS for the NM&WLP. The existing MWDS planned for the Publication stage to take place in May and June 2020. However due to a several factors, including the large volume of responses (over 5,000) received at the Preferred Options consultation stage in 2019, an increased mineral safeguarding workload providing consultations to non-mineral planning applications submitted to Local Planning Authorities and the Covid-19 pandemic, it has not been possible to undertake the Publication stage at the time anticipated in the adopted MWDS. The Publication stage is now planned to take place in September and October 2022 as detailed in this

report. The revised date of the Publication stage means that the subsequent stages of the NMW&LP process cannot now take place in accordance with the timescales set out in the current adopted MWDS. Accordingly, a revised timescale is required to provide a realistic timeframe to undertake the processes of Publication, submission, examination and adoption.

- 2.6 A revision of the MWDS is therefore necessary and has been prepared by officers; this is attached as Appendix A. The 2004 Act states that a revision to the MWDS is brought into effect by the Minerals and Waste Planning Authority resolving that the revision is to have effect from a specified date.
- 2.7 A table comparing the current MWDS timetable for the NMW&LP with the proposed changes in the revised MWDS is below:

Stage	Date timetabled in the adopted MWDS	Date timetabled in the revised MWDS
Pre-Submission representations period (Regulation 19)	May/June 2020	September 2022
Submission (Regulation 22)	September 2020	December 2022
Hearing commencement (Regulation 24)	January 2021	April 2023
Inspector's report	July 2021	October 2023
Adoption (Regulation 26)	September 2021	December 2023

2.8 Minerals and Waste Local Plan - Publication and representations period

The NM&WLP review process is being carried out to ensure that the Local Plan policies remain up to date, to extend the Plan period to 2038 and to consolidate the three existing DPDs into one NM&WLP. National planning policy and guidance state that Local Plans should plan for a period of at least 15 years from adoption. Therefore, in common with other Local Plans being prepared in Norfolk it has been necessary to extend the Plan period to 2038, due to delays in plan preparation detailed in paragraph 2.5 of this report. The following paragraphs summarise the contents of the Publication document, which has been amended where necessary, taking into consideration representations received at the Preferred Options stage. The full draft Publication document is available to view on the Norfolk County Council website at: [Norfolk Minerals and Waste Local Plan Review](#)

- 2.9 The NM&WLP includes a vision and strategic objectives for waste management and minerals development for the Plan period to 2038. Changes have been made to the vision and strategic objectives following the Preferred Options stage to refer to the 'agent of change' principle and biodiversity net gain.

- 2.10 The NM&WLP includes policies relevant to both minerals and waste management development covering the following issues: development management criteria, transport, climate change mitigation and adaption, The Brecks protected habitats and species, and agricultural soils. Following the Preferred Options consultation changes have been made to strengthen both the Development Management Criteria Policy and the Climate Change Mitigation and Adaption Policy.
- 2.11 The NM&WLP includes a forecast of the quantities of waste that need to be planned for over the Plan period to 2038. These figures have been reviewed for the Publication document and an assessment of the existing waste management capacity in Norfolk has also been updated, which concluded that sufficient capacity already exists to accommodate the forecast growth in waste arising over the Plan period to 2038. Therefore, it is not considered necessary to allocate any waste management sites in the NM&WLP.
- 2.12 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. The NM&WLP, therefore, contains criteria-based policies to determine those applications that come forward for waste management facilities.
- 2.13 The NM&WLP includes a spatial strategy for new waste management facilities, a policy detailing the types of land considered to be suitable for waste management facilities and includes criteria-based policies for the determination of planning applications for the following types of waste management facilities: inert waste recycling, waste transfer and treatment, composting, anaerobic digestion, household waste recycling centres, residual waste treatment, landfill and water recycling centres. Specific policies also cover the design of waste management facilities, landfill mining and safeguarding waste management facilities and water recycling centres. Some of the waste management policies have been amended following the Preferred Options Consultation. In particular, the forecast waste arisings have been updated, and it is now considered that the amounts of hazardous waste arising during the Plan period will be stable rather than reducing.
- 2.14 The NM&WLP includes the quantities of sand and gravel, Carstone and silica sand that need to be planned for during the period to 2038 to provide a steady and adequate supply of minerals. Based on the rolling average of 10 years' sales data and other relevant local information, the NM&WLP proposed approach to planning for silica sand extraction is based on the existing maximum throughput per annum of the processing plant site at Leziate (754,000 tonnes), whilst a lower rate of carstone extraction per annum (82,650 tonnes) and sand and gravel extraction per annum (1,506,000 tonnes) is proposed to be planned for, reflecting the average extraction rate for aggregates over the last ten years (2011-2020) plus 10%.

- 2.15 Using the forecast annual extraction rate and the existing permitted reserves (sites with planning permission for mineral extraction), there is a forecast need to allocate sites with an estimated resource of at least 12.597 million tonnes of sand and gravel and 10.34 million tonnes of silica sand in the NM&WLP. There is not a forecast need for additional carstone resource during the plan period. These forecasts are for lower quantities of sand and gravel and carstone than contained in the Preferred Options consultation because the ten-year sales average plus 10% used in the Publication document is lower than the 20-year sales average used in the Preferred Options document. Using the 10-year sales average plus 10% is now concluded to be the most appropriate approach to forecasting mineral need in the NM&WLP because it includes an additional 10% for flexibility, it is consistent with the National Planning Practice Guidance and the approach taken by other Mineral Planning Authorities in the East of England Aggregate Working Party.
- 2.16 The NM&WLP contains a spatial strategy for minerals development. Policies relevant to the determination of applications for minerals development include: borrow pits for construction schemes, agricultural reservoirs, protection of core river valleys, cumulative impacts and phasing of workings, progressive working and restoration, aftercare, concrete batching and asphalt plants. Specific policies also cover safeguarding mineral resources, minerals sites and infrastructure. Some of the policies have been amended following the Preferred Options Consultation.
- 2.17 The Initial Consultation and Preferred Options documents contained a proposed policy on conventional and unconventional oil and gas development. This policy has been removed from the draft Publication document because the NPPF (National Planning Policy Framework) states that areas where no Petroleum Exploration and Development Licenses have been granted in a previous license application round have no need to have a policy regarding oil and gas development within their Local Plan. Reports from the British Geological Survey have indicated that prospects for oil and gas would be poor in Norfolk, compared with other locations, particularly those in former coalfield areas.
- 2.18 The draft Publication document allocates 16 sites for sand and gravel extraction. The estimated sand and gravel resource in the allocated sites is sufficient to meet the forecast need for sand and gravel during the Plan period. Only the sites considered suitable to allocate are included in the draft Publication document.
- 2.19 Since the Preferred Options consultation in 2019 planning permission has been granted for sand and gravel extraction at the following sites: MIN 209, MIN 210 and MIN 211 at Earsham, MIN 207 at Edgefield, MIN 65 at Stanninghall, MIN 64 at Horstead, MIN 37 at Mayton Wood, and part of site MIN 69 at Aylmerton. The planning permission for the sites at Earsham has been implemented and therefore these three sites no longer need to be included in the NM&WLP. The planning permissions granted at the other sites (MIN 207, MIN 64, MIN 65, MIN 37) have not been implemented yet or only include part of the site (MIN 69) and

therefore these sites are still included in the NM&WLP. One additional site is proposed to be allocated at Beetley (MIN 08) because it is now proposed to be operated as part of one larger site consisting of three fields (MIN 13, MIN 51 and MIN 08), two of which were proposed to be allocated at the Preferred Options stage. Two of the sites for sand and gravel extraction which were concluded to be suitable to allocate in the Preferred Options document are now not considered to be suitable and therefore are not allocated in the Publication document. The sites that are no longer allocated are MIN 212 (Mundham) and MIN 213 (Stratton Strawless). The conclusions for all the other proposed sand and gravel extraction sites have remained the same as contained in the Preferred Options document.

- 2.20 The Publication document allocates one site for carstone extraction (located at Middleton). Whilst there is no forecast need for additional carstone resource during the plan period, it is considered prudent to continue to allocate one site for carstone extraction to maintain flexibility given the historic variability for carstone extraction volumes.
- 2.21 The Publication document allocates two sites for silica sand extraction (located at East Winch and Bawsey). The site at Bawsey was granted planning permission in August 2021 but the permission has not yet been implemented and therefore the site is still allocated in the NM&WLP. The two allocated silica sand sites only contain 4.1 million tonnes of silica sand and are not sufficient on their own to meet the forecast additional need for 10.34 million tonnes of silica sand during the Plan period.
- 2.22 In order to meet the remaining forecast need for silica sand, the Preferred Options document proposed to continue to allocate the four Areas of Search (E, F, I and J) for silica sand extraction that are currently allocated in the existing adopted Norfolk Minerals Site Specific Allocations DPD, which had been found sound and legally compliant following an examination in 2017. However, the consultation response from the Defence Infrastructure Organisation to the NM&WLP continued to raise concerns about bird strike risks to aircraft from the creation of large areas of open water following mineral extraction, whilst Shouldham Warren is designated Open Access Land and forms a significant part of the higher land within Area of Search E. The three remaining Areas of Search (F, I and J) would be too fragmentary to form an appropriately sized area within which to find a potentially viable silica sand extraction site, which means that the Areas of Search are no longer considered to be a deliverable method to use to plan for future silica sand provision in Norfolk. Therefore, the Publication version of the NM&WLP does not allocate any areas of search for silica sand and instead contains a criteria-based policy for the consideration of any future planning applications for silica sand extraction, which is considered to be the most appropriate and effective method of planning for the remaining forecast need of this nationally important mineral.

Consultation and formal representations period

- 2.23 The NM&WLP process includes two public consultation stages and a formal representations period (detailed in the following paragraphs). The planning process is front-loaded so that stakeholders are consulted at an appropriate early stage in the process. The responses received during the two public consultation stages have informed the Publication version of the NM&WLP.
- 2.24 The first public consultation stage, the Initial Consultation, took place for six weeks in July and August 2018. Responses to the Initial Consultation were received from a total of 856 people and organisations making 1,518 representations. The majority of responses were objections to proposed silica sand extraction site SIL 02 (land at Marham and Shouldham) (398 representations of which 385 were objections) and proposed sand and gravel extraction site MIN 38 at Fritton (355 representations of which 347 were objections). All the representations received are available to view on the e-consultation website at: <https://norfolk.oc2.uk/document/46>. The responses received informed the Preferred Options document.
- 2.25 The second public consultation stage, the Preferred Options, took place for six weeks in September and October 2019. Responses to the Preferred Options consultation were received from a total of 3,525 people and organisations making 5,684 representations. The majority of responses were objections to proposed silica sand extraction site SIL 02 (land at Marham and Shouldham) (1,280 representations of which 1,273 were objections) and proposed silica sand area of search E (land to the north of Shouldham) (3,350 representations of which 3,343 were objections). All the representations received are available to view on the e-consultation website at: <https://norfolk.oc2.uk/document/49>. The responses received informed the Publication document.
- 2.26 In accordance with the Statement of Community Involvement (SCI) the Initial Consultation and the Preferred Options Consultation were publicised in the following ways: all addresses within 250m of the boundary of a proposed mineral extraction site or area of search were written to directly explaining why they were being contacted, all the consultation bodies detailed in in the regulations (including every parish and town council in Norfolk) were written to informing them of the consultation, all consultation documents were published on the Norfolk County Council website, hard copies of the documents were placed at County Hall and the seven main district council officers and a notice about the consultation was published in the EDP. In addition to the requirements in the Regulations and the SCI, at the Preferred Options consultation stage, all respondents to the Initial Consultation were contacted to inform them of the Preferred Options consultation and at least one notice about the consultation was placed in each of the locations of the 42 proposed minerals and waste sites.
- 2.27 The next stage in the NM&WLP process is the proposed representations period on the Publication version of the NM&WLP. The Publication document must be published for at least a six-week period to enable the representations to be

made on whether or not the document is legally compliant and ‘sound’ (positively prepared, justified, effective and consistent with national policy) in accordance with paragraph 35 of the National Planning Policy Framework. The responses received during the formal representations period will be provided to the Secretary of State when the NM&WLP is submitted for examination.

- 2.28 There are a number of organisations which Norfolk County Council is legally required to invite representations from, as part of the Local Plan process in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. There are also a number of organisations which Norfolk County Council has a duty to cooperate with in the plan making process, in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 2.29 It is proposed that the representations period will last for six weeks, which is the minimum time required by the Regulations. However, the representations period could be for a longer period, such as eight or ten weeks if considered necessary. The representations period must be specified and advertised prior to the start of the period. A longer representations period would affect the timetable for the remaining stages of the NM&WLP.
- 2.30 In line with the SCI, it is proposed to publicise the representations period in the following ways: all addresses within 250m of an allocated mineral extraction site will be written to directly explaining why they are being contacted, all the consultation bodies details in the regulations (including every parish and town council in Norfolk) will be written to directly to inform them of the representations period, all NM&WLP publication documents will be published on the Norfolk County Council website, hard copies of the documents will be available for inspection at County Hall and the seven main offices of Norfolk’s local planning authorities, and a notice about the representations period will be published in the EDP.
- 2.31 In addition to the requirements in the Regulations and the SCI, all respondents to the Initial Consultation and the Preferred Options consultation will be contacted to inform them of the representations period on the Publication version of the NM&WLP. It is also proposed for at least one notice about the representations period to be placed at each of the locations of the mineral sites allocated in the Publication document and that a press release will be issued. One additional method, which is not currently proposed to be used, would be to hold public meetings or exhibitions about the formal representations period, however, this would require additional resources in terms of both time and cost.

Next steps

- 2.32 **Submission (December 2022)** - If no fundamental issues are raised during the representations period, the Council will submit the NM&WLP and relevant supporting documents, together with all the representations received, to the Secretary of State
- 2.33 **Examination (April 2023) and Inspector’s Report (October 2023)** – A Planning Inspector appointed by the Secretary of State will conduct the

Examination in Public and produce a report regarding the plan's soundness and legal compliance. The dates of examination hearings and receipt of the Inspector's Report will be determined by the Planning Inspector.

- 2.34 **Adoption (December 2023)** – The date of adoption will be dependent on the date when the Planning Inspector's report is received. Assuming that the report concludes that the plan is sound, legally compliant and should be adopted, the Council will then make the decision whether to adopt the document or not. The adopted document would replace the current Norfolk Minerals and Waste Development Plan Documents.
- 2.35 **Planning Applications** – Developers wishing to extract minerals from specific sites allocated in the NM&WLP will still need to apply for and be granted planning permission before mineral extraction can take place. Applications will be assessed on their individual merits in the light of all relevant development plan policies and other material considerations. Planning permissions are often granted subject to conditions to mitigate potential impacts from site operations and minerals and waste sites are monitored on a regular basis.

3. Impact of the Proposal

- 3.1 The English planning system is Plan-led, and an up to date and regularly reviewed Plan means that planning applications are determined using policies that address local issues, rather than just relying on national policies. Norfolk County Council, as Minerals and Waste Planning Authority, has a statutory duty to produce and maintain an up-to-date Minerals and Waste Local Plan which forms the basis for determining any relevant planning applications that are lodged with the authority. The provision of a steady and adequate supply of minerals and the management of waste constitutes essential infrastructure to support the economic development of the county.
- 3.2 A new Norfolk Minerals and Waste Local Plan (NM&WLP) is being produced to consolidate the three existing plans into one Local Plan, to ensure that the policies within the plan remain up-to-date and to extend the plan period from 2026 to 2038. A representations period on the Publication version of a local plan is the next step in this process and is required by regulation prior to submission of the Plan, for an Examination in Public by a Planning Inspector.
- 3.3 The draft Publication document contains a monitoring and implementation framework with indicators to be used to assess the implementation of the NM&WLP which will be reported annually in monitoring reports or the Local Aggregate Assessment, as appropriate, which are published on the Norfolk County Council website.
- 3.4 As part of the examination of the NM&WLP a Planning Inspector will assess whether the NM&WLP satisfies various statutory requirements imposed by the 2004 Act, including the requirement that the plan has been prepared in accordance with the adopted MWDS. Therefore, a revised MWDS needs to be brought into effect to enable the M&WLP to be legally compliant.

Implementation of the MWDS is reported annually in Monitoring Reports which are published on the Norfolk County Council website.

- 3.5 Under the Planning and Compulsory Purchase Act 2004 (as amended) Norfolk County Council, as a County Planning Authority (CPA) is required to prepare an SCI. The existing SCI was adopted in December 2018 and has been reviewed to ensure that it remains up to date. The 2022 SCI recommended for adoption includes additional information on: the use of electronic communications, data protection legislation and guidance, the impact of unforeseen circumstances such as covid-19 and community engagement after operations have commenced. The expanded scope of the SCI is intended to provide greater clarity to individuals and communities as to when and how they can engage in the planning process. In this way it is anticipated that communities can have greater influence on both emerging policy and the operation of permitted sites within the County.

4. Evidence and Reasons for Decision

- 4.1 The annual Local Aggregate Assessment has been used to forecast the need for aggregate minerals during the Plan period, using the ten-year average of mineral sales in accordance with the National Planning Policy Framework, plus 10% for flexibility, and therefore is considered to be an appropriate method on which to base future mineral need. Site allocations for mineral extraction have been used in the plan since 2013 and this has been an effective policy approach to directing new proposals for mineral extraction to the most appropriate sites available.
- 4.2 The Waste Management Capacity Assessment carried out by Planning Officers has concluded that there is sufficient existing waste management capacity to meet the forecast waste arisings during the Plan period. Therefore, the plan proposes that criteria-based policies for waste management facilities, based on the use of employment land, represents a pragmatic way forward, instead of allocating specific sites for waste management facilities within the Plan.
- 4.3 The Publication version of the NM&WLP has been informed by data including, but not limited to, the following sources: Norfolk County Council's annual survey of mineral extraction sites published in the Local Aggregate Assessment, the Environment Agency's Waste Data Interrogator, the annual monitoring report of planning permissions granted, refused and appeals, Office of National Statistics population forecasts, the East of England Forecasting Model, Environment Agency flood mapping, Strategic Flood Risk Assessments, Natural England's Conservation Objectives for Special Protection Areas and Special Areas of Conservation, and the National Heritage List for England.
- 4.4 All of the proposed sites for future development have been assessed for the suitability, including potential impacts on amenity, highway access, the historic environment, archaeology, landscape, public rights of way, ecological designations, geodiversity, flood risk, hydrogeology, utilities and safeguarded

aerodromes. The most appropriate sites to meet the forecast need have been allocated in the Publication version of the Plan.

- 4.5 The evidence documents supporting the contents of the Publication version of the NM&WLP include the Sustainability Appraisal Report, the Habitats Regulations Assessment Test of Likely Significance, Waste Management Capacity Assessment and the responses received to both the Initial Consultation in 2018 and the Preferred Options consultation in 2019.
- 4.6 As explained earlier in this report, since the existing SCI was adopted in 2018, there have been several changes to national planning legislation, policy and guidance. Therefore, the SCI has been revised to keep it up to date and it has also been expanded to reflect the full range of planning authorisations dealt with by the authority and includes community engagement post determination such as during monitoring and in response to breaches of planning control.

5. Alternative Options

- 5.1 As stated earlier in this report Norfolk County Council, has a statutory duty to produce and maintain an up-to-date Minerals and Waste Local Plan, MWDS and SCI.
- 5.2 Reasonable alternative options to the policy approaches and allocated sites contained in the Publication version of the NM&WLP have been considered in the previous versions of the plan, assessed through the Sustainability Appraisal process and consulted on at the Initial Consultation stage in 2018 and the Preferred Options stage in 2019.
- 5.3 The key alternatives that were considered and consulted on at the plan preparation stages related to the quantity of minerals to be planned for, the potential minerals extraction sites to be allocated and whether to allocate waste management sites or use a criteria-based approach.
- 5.4 The duty imposed on the County Council is to provide a steady and adequate supply of mineral and sufficient waste management capacity. In terms of plan-making this means that oversupply is not in itself considered a problem, while undersupply is to be avoided. In defining a quantity of minerals or waste to be planned for a so potentially limiting the capacity available, the Authority must therefore be able to robustly defend the figures adopted.
- 5.5 With regards to aggregate mineral quantities, the authority considered four different methods for assessing future demand over the Plan period. The publication version of the NM&WLP uses the 10-year sales average plus 10% for flexibility. The 10-year production average (2011-2020) is considered slightly too low to use when forecasting future need because it is lower than the most recent 3-year sales average (2018-2020). The 20-year production average was used in the previous consultation stages because, at the time, it was considered to cover a full economic cycle. However, the relatively high aggregate production rates of over 2 million tonnes per annum which occurred before 2007 have not been reached over the last 13 years and therefore the

20-year average is now less relevant to forecasting future need and is not in line with the national Planning Practice Guidance. The sub-national guidelines for aggregate and hard rock produced a significantly higher forecast need; they were not used because they only cover the period up to 2020 and mineral production has not met the sub-national guidelines at any time in the last 10-year, therefore they were not considered to be a reasonable alternative.

- 5.6 All the mineral extraction sites proposed for inclusion in the plan by mineral operators, landowners and agents have been consulted on and assessed through the Sustainability Appraisal process. The sites contained within the Publication version of the NM&WLP are considered to be the most suitable to meet the forecast need during the Plan period to 2038.
- 5.7 The Waste Management Capacity Assessment carried out by Planning Officers has concluded that there is not a need for new waste management capacity over the plan period to meet the forecast waste arisings. Therefore, the plan proposes that criteria-based policies for waste management facilities, based on the use of employment land, represents a pragmatic way forward, instead of allocating specific sites for waste management facilities within the Plan.
- 5.8 As stated in paragraph 2.29 of this report, it is proposed that the representations period will last for six weeks, which is the minimum time required by the Regulations. However, the representations period could be for a longer period, such as eight or ten weeks if considered necessary. The representations period must be specified and advertised prior to the start of the period. A longer representations period would affect the timetable for the remaining stages of the NM&WLP.
- 5.9 As stated in Section 10 Infrastructure and Development Select Committee requested that Cabinet consider including mineral extraction site MIN 212 at Mundham in the NM&WLP as an additional site. The site was proposed for the extraction of 325,000 tonnes of sand and gravel at 30,000 tonnes per annum over an 11-year period with the extracted mineral being processed at an existing processing plant site at Caistor St Edmund chalk quarry. This would necessitate 14 HGV movements a day travelling through Trowse (along The Street and White Horse Lane) and then onto Caister St Edmund Quarry off Stoke Road. Whilst the Highway Authority did not object to the location of the proposed mineral working, they raised concerns about the location of the plant site at Caistor St Edmund which necessitates the routing of HGVs through Trowse village. Including site MIN 212 within the publication version of the NM&WLP would also necessitate amendments to the Habitats Regulations Assessment, Sustainability Appraisal, Policies Map and Equalities Impact Assessment prior to publication.

6. Financial Implications

- 6.1 The financial implications of the NM&WLP process were included in the EDT Committee Report of May 2018. Amending the MWDS does not change the

costs of the remaining stages of the NM&WLP process, but it does change the financial year in which some of these costs will take place, with the most significant costs (associated with the examination of the NM&WLP) occurring in the financial year 2023/24.

- 6.2 The timetable for the NM&WLP process is included within the MWDS (Appendix A). To minimise publication costs going forward, all stakeholders, including parish councils, will be contacted on-line wherever possible. Notwithstanding these savings, the M&WLP process will give rise to additional costs as follows:
- 6.3 Based on the experience of previous planning policy production, costs for the remaining stage of the M&WLP process, including officer time in the collation of evidence, formulation of policy, processing and assessment of representations received and

Activity	Year	Estimated costs
Publication stage printing costs	2022/23	£4,000
Publication stage advertising costs	2022/23	£500
Planning Inspector costs for examination	2023/24	£100,000*
Programme Officer costs for examination	2023/24	£8,000*
Venue hire for examination hearings	2023/24	£2,400
Examination advertising costs	2023/24	£500
Adoption advertising costs	2023/24	£500
Adoption printing costs	2023/24	£4,000
Total estimated costs	N/A	£119,900

*These costs are unavoidable as part of the NM&WLP process and as one-off costs we are anticipating funding these from service specific reserves.

- 6.4 These costs will vary depending on the level of public engagement with process and the duration of the examination hearings. The estimated costs are based on eight days of examination hearings. Whilst the daily amount charged for a Planning Inspector has not changed since 2007, it appears that the number of days' work being charged for an examination has increased.
- 6.5 As stated above, the Publication and formal representations stage will be carried out via the internet and email wherever possible as this maximises efficiencies in both cost and time. However, there will still be a need for some hard copies of consultation documents to be produced and for some correspondence by letter to ensure that the representations stage and examination process is accessible to all.
- 6.6 No additional costs will be incurred through the production of the NM&WLP in accordance with the consultation standards in the revised 2022 SCI. No

additional costs will be incurred in the determination of planning applications from the consultation standards in the 2022 SCI.

7. Resource Implications

7.1 Staff:

None under the proposed service level.

7.2 Property:

None arising from this report.

7.3 IT:

None arising from this report.

8. Other Implications

8.1 Legal Implications:

There is a legal duty under Section 16 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) to prepare and maintain a MWDS. The Scheme must specify the development plan documents (DPDs) that the County Council will produce, their subject matter, geographical area and the timetable for the preparation and revision of the DPDs. The 2004 Act requires the Council to revise the Scheme when appropriate, and in practice this duty includes ensuring that the scheme is kept up to date.

There is a legal duty under Section 18 of the 2004 Act to prepare an SCI. In addition, the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) also requires SCIs to be reviewed every five years, starting with the date of adoption of the SCI.

The MWDS and the 2022 SCI will be published on Norfolk County Council’s website and made available for inspection as required by the relevant legislation.

The process of producing the Minerals and Waste Local Plan must be carried out in accordance with the 2004 Act and other relevant planning legislation. As part of the examination of the NM&WLP a Planning Inspector will assess not only whether the NM&WLP is sound, but also whether it satisfies various statutory requirements imposed by the 2004 Act. These include the requirement that it has been prepared in accordance with the adopted MWDS and SCI. Therefore, a revised MWDS needs to be brought into effect to enable the NM&WLP to be legally compliant.

Appendix 12 of the Norfolk County Council constitution sets out the process for the adoption of the policy framework documents, which includes the Norfolk Minerals and Waste Development Framework. The Leader has published a timetable for making proposals to the Council and the stages that the MWDS

and the SCI will go through prior to being received by Full Council, as Appendix C to this report.

As the NM&WLP is proposed to be a policy framework document, at an appropriate point in the process the Leader will publish a timetable for making proposals to the Council and the various stages that the NM&WLP will go through prior to being received by Full Council for adoption.

8.2 Human Rights Implications:

The human rights of the local residents are engaged under Article 8, the right to respect for private a family life and Article 1 of the First Protocol, the right of enjoyment of property. When adopted, the policies within the NM&WLP will be used in the determination of planning applications for mineral extraction and associated development and for waste management facilities. A grant of planning permission may infringe those human rights, but they are qualified rights, that is they can be balanced against the interests of the community as a whole and the human rights of other individuals. In making that balance it may also be taken into account that the amenity of local residents could be adequately safeguarded by planning conditions.

The human rights of the owners of the proposed allocation sites may be engaged under the First Protocol Article 1, that is the right to make use of their land. However, the right is a qualified right and may be balanced against the need to protect the environment and the amenity of local residents.

However, it is not considered that the human rights of local residents or the owners of the proposed allocation sites would be infringed by the adoption of the 2022 SCI or the publication of the NM&WLP.

8.3 Equality Impact Assessment (EqIA) (this must be included):

The Council's planning functions are subject to Equality Impact Assessments. No EqIA issues have been identified with regard to amending the MWDS or the SCI.

The NM&WLP has been subject to an EqIA. The EqIA concluded, that provided the proposed NM&WLP policies are applied robustly, it is highly unlikely that protected groups will be disproportionately affected by virtue of the location of the mineral extraction sites. In addition, any sites allocated in the NM&WLP will also need to apply for and be granted planning permission before they are able to operate and an EqIA will be carried out at the planning application stage

8.4 Data Protection Impact Assessments (DPIA):

Not applicable. The data protection implications of the local plan preparation, consultation and adoption are covered by the adopted privacy notices.

8.5 Health and Safety implications (where appropriate):

Not applicable.

8.6 Sustainability implications (where appropriate):

The environmental implications of the NM&WLP are formally assessed as part of the local plan process, through the Sustainability Appraisal (which includes a Strategic Environmental Assessment) and a Habitats Regulations Assessment. Both of these assessments must be carried out in accordance with the relevant legislation and include formal consultation stages. An Initial Sustainability Appraisal Report and a Habitats Regulations Assessment (Task 1) were published to accompany the Initial Consultation in 2018 [available at: <https://norfolk.oc2.uk/document/47>].

These documents were revised where necessary and a Draft Sustainability Appraisal Report and a Draft Habitats Regulations Assessment [Test of Likely Significant Effects] were published to accompany the Preferred Options Consultation in 2019 [available at: <https://norfolk.oc2.uk/document/50>].

These documents have been revised again where necessary and will be published to accompany the Publication version of the NM&WLP. Overall, the assessment the policies within the NM&WLP will have mainly positive or neutral effects. This is largely due to the nature of the policies which aim to protect the amenity of local communities, the natural, built and historic environment, the landscape and townscape of Norfolk. The potential impacts of all the proposed mineral extraction sites have been assessed both in terms of the operational phase (short and medium-term effects) and the restoration and post-restoration phase (long term effects).

There are no sustainability implications arising from the revised MWDS or the 2022 SCI.

8.7 Any Other Implications:

Officers have considered all the implications which members should be aware of. Apart from those listed in the report (above), there are no other implications to take into account.

9. Risk Implications / Assessment

- 9.1 The principal risks stem from having an out-of-date Plan. In which case the impacts are that owing to uncertainty, insufficient sites are brought forward by developers to meet the County's needs, or if sites are brought forward, they are less suitable sites than would be the case in a plan-led system. In severe cases the Secretary of State could intervene in the plan-making process.
- 9.2 Plans do not normally become out of date at a given point in time. Rather the older they are the less relevant they become and so the less weight they carry. The oldest component of the current plan is the Core Strategy 2011. Both the substantive site allocations documents were published in 2012, with a silica sand update published in 2017. The revision to the MWDS would see all the existing documents replaced by 2023.
- 9.3 It is considered that a programme that delivers a revised plan in 2023, as proposed in the MWDS (Appendix A) carries a low overall risk in terms of

delivering sufficient minerals supply and waste management capacity and providing protection against unsuitable speculative proposals. Risks to delivering against the programme arise from delays by the Planning Inspectorate once the final Plan has been submitted to the Secretary of State, changes to planning legislation as proposed in the recent Levelling Up and Regeneration Bill and, given the small size of the current planning policy team, loss of staff.

- 9.4 With regards to the Planning Inspectorate, it is considered that the period allowed within the programme for the Secretary of State to examine the plan is reasonable and pragmatic. With regards to staff, this risk can be mitigated by creating increased flexibility between the planning functions within the service, and if necessary, drawing in planning resource from external teams or our partner organisations if and when required.
- 9.5 For the SCI, the principal risk to the planning process stems from the document becoming out-of-date due to changes in policy and legislation that have taken place since the existing SCI was adopted in December 2018. It is considered that the proposed revised SCI will mitigate this risk through including additional information on electronic communications, data protection, the impact of unforeseen circumstances such as covid-19 and expanding the content of the SCI to reflect the full range of planning authorisations dealt with by the authority which will clearly set out when members of the public and organisations can engage with the planning system and also manage public expectations.

10. Select Committee Comments

- 10.1 The Infrastructure and Development Select Committee considered a report on the NM&WLP, MWDS and SCI at their meeting on 25 May 2022.
- 10.2 There were no comments from the Select Committee regarding the revised 2022 MWDS.
- 10.3 With regards to the 2022 SCI, a Member of the Select Committee requested that the Bus Service Improvement Board (officially called the Enhanced Partnership Management Board) be added to the list of consultees for planning applications for schools and other developments which would lead to the movement of people around the County but excluding minerals and waste development. Appendix 2 of the SCI has been amended to add this consultee as requested.
- 10.4 With regards to the NM&WLP Members of the Select Committee requested that the decision to not allocate site MIN 212 at Mundham for mineral extraction was reviewed by officers and considered for inclusion by Cabinet following a question raised by the promoter of the site to the Select Committee meeting, on the basis that the site would use an existing processing plant site. Officers advised the Committee that if Cabinet was minded to include site MIN 212 in the NM&WLP this would need to be as an additional site, but there is not a

need for the limited additional resource in the site to meet the forecast need for aggregate during the plan period

- 10.5 The Committee agree with the three recommendations in the report, which were to: recommend Cabinet resolve that the MWDS shall have effect from 11 July 2022, recommend Cabinet agreement to publish the Publication document for representations to be made over a six-week period during September and October 2022 and if no fundamental weaknesses are identified in the representations made, submission of the NM&WLP (and supporting/background information) for independent examination, and advise Cabinet to recommend Full Council resolve to formally adopt the SCI

11. Recommendations

- 1. To approve and recommend that full Council resolve that the 2022 Minerals and Waste Development Scheme (Appendix A to this report) shall have effect from 11 October 2022 and that this replaces the current MWDS (2019).**
- 2. To approve and recommend Full Council resolve to formally adopt the 2022 Norfolk Statement of Community Involvement (Appendix B to this report) and that this replaces the current SCI (2018).**
- 3. To authorise the Head of Planning to make any further necessary minor corrections, factual updates, formatting changes and other non-material changes that are identified prior to the publication of the NM&WLP;**
- 4. To agree to publish the NM&WLP (incorporating any later suggested modifications approved under recommendation 3b) for representations to be made, over a six-week period starting in September 2022, in accordance with Regulations 19 and 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- 5. To authorise the Executive Director of CES, in consultation with the Cabinet Member for Environment and Waste, to review the Pre-Submission representations made. If no fundamental weaknesses are identified, agree to submit the NM&WLP (and supporting/background information) to the Secretary of State for independent examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended);**
- 6. To agree to formally request that the appointed independent Planning Inspector makes any necessary Main Modifications under section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended) that he/she judges necessary to make the NM&WLP sound and legally compliant; and**
- 7. To authorise the Executive Director of CES to agree minor modifications to the NM&WLP prior to its submission and to negotiate any modifications necessary to the NM&WLP as part of the Independent Examination.**

12. Background Papers

- 12.1 Appendix A: Minerals and Waste Development Scheme 2022
- 12.2 Appendix B: Statement of Community Involvement 2022
- 12.3 Appendix C: Timeline for the policy framework documents
- 12.4 [Norfolk County Council Statement of Community Involvement 2018](#), December 2018
- 12.5 [Norfolk Minerals and Waste Development Scheme 2019](#), September 2019
- 12.6 Norfolk Minerals and Waste Local Plan Review Initial Consultation (2018)
- 12.7 Norfolk Minerals and Waste Local Plan Review Preferred Options (2019)
- 12.8 Norfolk Minerals and Waste Local Plan Review – Draft Sustainability Appraisal Report (2019)
- 12.9 Norfolk Minerals and Waste Local Plan Review – Habitats Regulations Assessment – Test of Likely Significant Effects (2022)

The Minerals and Waste Local Plan documents listed above are available at: [Norfolk Minerals and Waste Local Plan Review](#)

Officer Contact

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Norfolk County Council

Appendix A

Norfolk Minerals and Waste Local Plan

Minerals and Waste Development Scheme

May 2022

www.norfolk.gov.uk



Norfolk County Council

Norfolk Minerals and Waste Local Plan

Minerals and Waste Development Scheme

May 2022

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1. Introduction

- 1.1 Norfolk County Council is the planning authority for minerals and waste matters within the county. Under the Planning & Compulsory Purchase Act 2004 as amended, all local planning authorities must prepare a Local Development Scheme. Similarly, a Minerals and Waste Development Scheme is prepared by a Minerals and Waste Planning Authority and sets out the programme for preparing planning documents.
- 1.2 The County Council has prepared this Minerals and Waste Development Scheme (MWDS) in accordance with the Act.
- 1.3 The National Planning Policy Framework requires all Local Planning Authorities to produce a Local Plan for their area. Norfolk County Council has produced the following development plan documents (DPDs) to meet this requirement: Core Strategy and Minerals and Waste Development Management Policies, Minerals Site Specific Allocations and Waste Site Specific Allocations. All of these documents have been adopted by Norfolk County Council along with a Policies Map. The adopted Local Plan (consisting of DPDs) is the statutory development plan and the basis on which all minerals and waste planning decisions will be made in Norfolk.
- 1.4 The Council has also produced a Statement of Community Involvement, this Minerals and Waste Development Scheme and Monitoring Reports.
- 1.5 The Minerals and Waste Development Scheme is primarily a programme for the preparation of Development Plan Documents. The Scheme sets out which Development Plan Documents will be produced, in what order and when.

2. Existing Norfolk Minerals and Waste Development Framework

- 2.1 The statutory plans for minerals and waste planning in Norfolk are contained in the Norfolk Minerals and Waste Development Framework. This framework consists of four planning policy documents which together form the Minerals and Waste Local Plan for Norfolk:
- 2.2 **Core Strategy and Minerals and Waste Development Management Policies DPD (the 'Core Strategy')** - This planning policy document contains the vision, objectives and strategic planning policies for minerals and waste development in Norfolk until 2026. The Minerals and Waste Core Strategy also includes Development Management policies which are used in the determination of planning applications to ensure that minerals extraction and associated development and waste management facilities can happen in a sustainable way. The DPD contains measurable objectives to enable successful monitoring. This document was adopted in September 2011.
- 2.3 **Waste Site Specific Allocations DPD** allocates specific sites which are available and acceptable in principle for waste management facilities, to meet the requirements of Core Strategy Policy CS4, until the end of 2026. This document was adopted in October 2013.
- 2.4 **Minerals Site Specific Allocations DPD** allocates specific sites which are available and acceptable in principle for mineral extraction and associated development, to meet the requirements of Core Strategy Policy CS1 until the end of 2026. This document was adopted in October 2013 and updated with the adoption of the Single Issue Silica Sand Review in December 2017. The Single Issue Silica Sand Review allocated an additional site and areas of search for future silica sand extraction until the end of 2026.
- 2.5 **The Policies Map** accompanies the Minerals and Waste Local Plan (currently the Core Strategy, Minerals SSA and Waste SSA DPDs). The Policies Map illustrates on an Ordnance Survey base map all of the policies contained in the adopted plans. The Policies Map will be revised and adopted successively each time a DPD that includes a policy requiring spatial expression is adopted. An interactive version of the policies map is available on Norfolk County Council's website: www.norfolk.gov.uk/nmwdf. The interactive map is the most up to date version of the map available.
- 2.6 The Norfolk Minerals and Waste Development Framework also includes the following documents produced by Norfolk County Council:
- 2.7 **The Statement of Community Involvement (SCI)** sets out Norfolk County Council's consultation strategy for involving local communities in the preparation of Norfolk's minerals and waste DPDs and in the determination of planning applications submitted to the County Council.
- 2.8 **This Minerals and Waste Development Scheme (MWDS)** which sets out what documents are being produced as part of the Local Plan and the timetable for their production, including consultation stages. The previous MWDS came into force in June 2018.

- 2.9 The County Council is required to prepare **Monitoring Reports** to assess the implementation of the Minerals and Waste Development Scheme and the extent to which policies in the development plan documents are being achieved. In accordance with Part 8 of the 'Town and Country Planning (Local Planning) (England) Regulations 2012' the County Council must make available any information collected as soon as possible after the information becomes available.
- 2.10 The County Council assesses:
- progress made in the preparation of the authority's local plans and whether progress made is in accordance with the timetable contained in the development scheme;
 - what action has been taken in accordance with the duty to co-operate with other local planning authorities during the monitoring period;
 - whether it is meeting, or is on track to meet, the targets set out in the development plan documents and, if not, the reasons why;
 - whether any policies need to be replaced to meet sustainable development objectives; and
 - what action needs to be taken if policies need to be replaced.
- 2.11 **Local Aggregate Assessment and Silica Sand Assessment** which is produced annually and includes information on the rolling average of 10 years' sales data, the landbank of permitted reserves and other relevant local information, taking into account the advice of the East of England Aggregates Working Party.

3. Norfolk Minerals and Waste Local Plan

Overview

Role and Subject	To provide the strategic and development management policies for minerals and waste planning in Norfolk until 2036. To allocate specific sites, preferred areas and/or areas of search for mineral extraction in Norfolk until 2038. To provide criteria-based policies for waste management facilities in Norfolk until 2038.
Coverage	The administrative area of Norfolk
Status	Development plan document

Timetable for Review

The Core Strategy and Minerals and Waste Development Management Policies DPD was adopted in September 2011. The Minerals Site Specific Allocations DPD and the Waste Site Specific Allocations DPD were both adopted in October 2013.

The National Planning Policy Framework (paragraph 33) states that “Policies in local plans ... should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area, or any relevant changes in national policy.”

Therefore, a joint update of all three of the adopted DPDs is being carried out to ensure that the policies within them remain up to date, to extend the plan period from 2026 to 2038 and to consolidate the three existing DPDs into one Norfolk Minerals and Waste Local Plan, in accordance with national planning policy.

Local Plan milestones

Local Plan stage	Dates
Preparation of Local Plan consultation (Regulation 18)	Initial Consultation: June / August 2018 Preferred Options: Sept / Oct 2019
Pre-Submission representations period (Regulation 19)	September / October 2022
Submission (Regulation 22)	December 2022
Hearing (Regulation 24)	April 2023
Inspector’s Report	October 2023
Adoption (Regulation 26)	December 2023

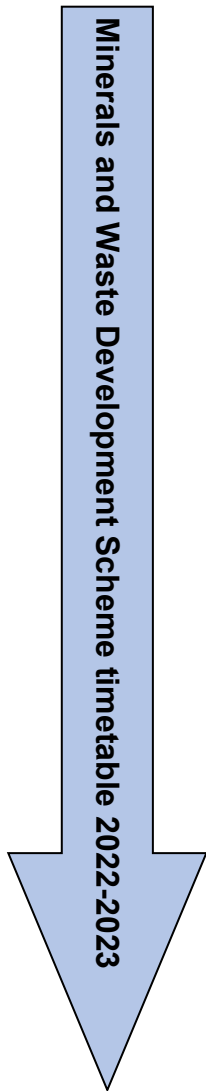
4. Glossary

Local Development Documents - A term brought in by the Planning and Compulsory Purchase Act 2004. These are all documents which form part of the Local Plan, both spatial and non-spatial.

Development plan documents – A term brought in by the Planning and Compulsory Purchase Act 2004. These are the spatial planning documents that form part of the Local Plan. These set out spatial planning policies and proposals for an area or topic. They include the core strategy, development management policies, specific site allocations of land and area action plans (where needed).

Local Plan - The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004 (as amended). Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan.

Minerals and Waste Development Scheme timetable 2022-2023



Date	Local Plan stage
April 2022	
May 2022	
June 2022	
July 2022	
August 2022	
September 2022	Pre-Submission representations period (Regulation 19)
October 2022	Pre-Submission representations period (Regulation 19)
November 2022	
December 2022	Submission (Regulation 22)
January 2023	Independent examination process starts
February 2023	Examination process continues
March 2023	Examination process continues
April 2023	Independent examination hearings (Regulation 24)
May 2023	Examination process continues
June 2023	Examination process continues
July 2023	Examination process continues
August 2023	Examination process continues
September 2023	Examination process continues
October 2023	Inspector's report
November 2023	
December 2023	Adoption (Regulation 16)



Norfolk County Council

Statement of Community Involvement

2022

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If you would need this document in large print, audio, braille, an alternative format or a different language please contact Norfolk County Council on 0344 800 8020 or 18001 0344 8020 (textphone) and we will do our best to help.

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1. Introduction

1.1 What is a Statement of Community Involvement?

1.1.1 The Statement of Community Involvement (SCI) sets out who, how and when we will engage with individuals and groups. It explains how you can comment on planning applications and how you can influence the content of future planning policy documents.

1.1.2 Norfolk County Council is the County Planning Authority (CPA) responsible for minerals and waste planning policy and determining planning applications for minerals, waste and the Council's own development, such as schools, libraries, fire stations and road schemes. Planning applications for other types of development are dealt with by the district and borough councils.

1.1.3 This means that our Statement of Community Involvement sets out how you can participate in:

- Developing new Local Plans and planning policies that will influence the way future minerals and waste development is carried out in Norfolk
- Determining planning applications for minerals, waste and County Council development.
- Ongoing monitoring of mineral and waste facilities once they are up and running

1.1.4 It is a legal requirement for a planning authority to adopt an SCI. This adopted SCI ensures that we conform to the statutory requirements imposed on planning authorities and takes account of the governments planning practice guidance.

1.2 Who we will involve

1.2.1 Most consultations are open to all, but in order to participate in the consultation process individuals, communities and organisations need to be aware that it is taking place.

1.2.2 Details of who we will notify, in policy making and planning applications, is provided in the relevant sections of this document, but as a general principle we will seek to engage the following where they are directly or indirectly affected by the planning decision:

- Individuals located in the immediate proximity to proposals
- Local community groups, action groups and other voluntary organisations who have topic or local interests in a matter
- Commercial organisations (such as minerals or waste companies and their trade bodies); and
- Statutory bodies such as the Environment Agency, Natural England and district and parish councils who play a critical role ensuring the public voice is heard.

1.2.3 We will endeavour to identify all relevant parties, but we also recommend that voluntary and non-statutory bodies who want to be engaged directly contact us setting out the circumstances in which they would like to participate in the planning process.

1.3 Electronic Communications

1.3.1 By the end of 2020 more than 95% of premises in Norfolk had access to Superfast Broadband. By Spring 2023 this will have increased further to over 97%. This will make it easier for people to access information on planning applications, minerals and waste planning policy documents, and make representations to the Council.

1.3.2 Electronic communication provides a quick, efficient and more sustainable way to circulate large documents. This is especially the case in Norfolk where, due to the rural nature of the county, it can be difficult for some individuals to access Local Authority offices.

1.3.3 The Planning Authority is committed to making the most appropriate use of electronic communication when undertaking consultation and notification activities. By default, email or the use of the internet will be the primary method of communication when engaging communities during the plan making process or consulting on planning applications.

1.3.4 Nevertheless, reliance solely on electronic communication will not always be appropriate. We will use site notices and letters where these are necessary to augment electronic communication channels, to ensure effective engagement.

1.4 Data Protection

1.4.1 The data you give us is only used to help us make the best decisions on planning matters and while we hold your data, it is kept secure. Planning is a statutory function, and any information is held on the lawful basis of public task (in accordance with the Town and Country Planning Act 1990, as amended, related orders and regulations).

1.4.2 We hold a complete copy of all submissions including the names, addresses and contact details of those who have submitted a planning application, made a comment on a planning application, or responded to a consultation on planning policy. We do this so we can notify you about subsequent stages in the local plan process or the relevant planning application process such as amendments to the proposal, the outcome of the application and if an appeal is lodged against the application.

1.4.3 In accordance with the requirements of the government regulations on openness in local government decision making, we will hold the information for use in the planning process for a 4-year period following the decision. We also publish redacted versions of comments received without your signature, email and phone

number, to prevent fraud. Full details of how we manage your information are contained on the [Planning Services privacy notice](#)

1.5 The Impact of COVID-19 and emergency provisions

1.5.1 In light of the Covid-19 pandemic and in any comparable situation in the future, there may be circumstances when the Council will be unable to fully comply with this Statement of Community Involvement. This is particularly the case where consultation documents are usually placed in the Council offices for inspection. The Council is committed to effective consultation and communication with its residents, and in order to do this, some consultation methods may have to change temporarily. This is to protect both our community and staff in line with Government advice and guidance. Where we are unable to meet all of the requirements set out in this document, due to circumstances outside our control, but have made every reasonable effort to do so, we will consider that the conditions of the SCI have been met.

1.6 Hard to Reach Groups

1.6.1 For some people it may be difficult to get involved in the planning process for a wide range of reasons. These people are often referred to as belonging to “hard to reach groups”. These groups may change over time but can include people who speak little or no English, people who have no access to the internet and people who have disabilities.

1.6.2 Where appropriate we will do the following to facilitate the involvement of “hard to reach” communities during the production of planning policy documents and the determination of planning applications:

- We will assess the potential for impact on hard-to-reach groups, and so the need for involvement on the planning matter.
- We will ensure our online documents and information can be accessed using assistive technologies.
- We will provide a range of ways to contact the service.

2. Community Involvement in Planning Applications and related decisions

2.1 Planning Applications

2.1.1 Application types

Whom we engage, and how we engage the community and other parties on planning applications, will be determined by the scale and location of the application. The following section is set out so that you can understand what we will do based on the type of application and the stage in the planning process.

At a county level there are three main types of application based on the scale of what is being proposed. Other types of applications that we may receive are explained in section 2.2.

2.1.1.1 Environmental Impact Assessment applications

A planning application which is accompanied by an Environmental Statement (known as an EIA application). EIA applications will be determined under the Environmental Impact Assessment Regulations 2017. These proposals have the greatest potential to impact the environment and are subject to the widest degree of public engagement. Consultation periods are also longer for these types of development.

2.1.1.2 Major applications

A planning application which does not come under EIA applications and is defined as a major development according to the Town and Country Planning (Development Management Procedures) (England) Order 2015. Development involving any one or more of the following:

- The winning and working of minerals or the use of land for mineral-working deposits
- Waste development
- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more
- Development carried out on a site having an area of one hectare or more.

2.1.1.3 Minor applications

A planning application that is not covered by EIA or major applications as above.

2.1.2 Planning Applications made by Norfolk County Council

Some of the planning applications determined by the County Council relate to development to be carried out by the County Council, such as schools, fire stations, roads and libraries. How and who we engage will depend upon which of the above application types the proposal falls into. Many of NCC's own proposals are classified as "public service infrastructure", and provided they are not of such a scale to require an Environmental Impact Assessment, they are subject to shorter consultation periods.

2.1.3 The Application Process

Planning applications go through several stages. Typically, applications start with pre application advice and finish with the discharging of planning conditions, or a decision to refuse the application. In some cases, an appeal may be made by the applicant to the planning inspector.

This section sets out whom we engage and how we engage the community and other parties at each stage of the process, which will vary depending on the scale and the nature of the proposal.

- pre-application discussions (wherever possible and practical)
- submission of a planning application
- consultation, publicity and making comments on an application
- negotiation of potential amendments to a scheme where appropriate
- determining whether the application should be approved or refused, and if permission is given, what conditions should be imposed on the development
- making the results of decisions available.

2.1.4 Pre-Application Stage

2.1.4.1 Requests for Informal Pre-Application advice

Potential applicants are not required to engage with the Planning Authority or anyone else prior to submitting an application. However, the Authority strongly recommends that they do both for all types of planning applications. For a fee, NCC will provide informal pre-application advice to potential applicants from the Highway Authority, Lead Local Flood Authority and other services internal to the County Council. We will not consult the public as at this stage the pre-application proposal is confidential, as this is a fee-paying service the level of engagement with public bodies will be dependent upon the service procured by the would-be developer.

2.1.4.2 Requests for screening and scoping opinion under the EIA Regulations

This is not a legal requirement, but before potential applicants submit an application, they can formally request that the County Council determines whether or not the

planning application will be subject to the requirements of the Environmental Impact Assessment. This is referred to as a screening request.

Again, there is no legal requirement to submit a request to identify the scope of issues that should be included in such an Environmental Impact Assessment. This is referred to as a Scoping Opinion. Before giving either a screening or a scoping opinion, the authority will, as a minimum, consult a range of organisations set out on [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#), referred to as consultation bodies. We will not consult the general public or representative bodies, such as the Parish Council, at this stage.

2.1.5 Application Stage

2.1.5.1 Validation

When an application is received, we will check to ensure that it contains all the relevant information needed to process the application. This is referred to as validation. Only when we are satisfied that we have all the necessary information will we formally register the application and publish it on our website. There are both national requirements and local information requirements. Norfolk County Council's local information requirements are detailed in the [Local List for the Validation of Planning Applications](#)

2.1.5.2 Notification and Consultation

Once we have validated the application, we will engage the following:

- **Statutory consultees** - These are the bodies or persons set out in planning legislation which we must directly consult and who are obliged to respond. Consultation takes place via email notification and responses can range from a detailed written response to standing advice.
- **General Consultees** - These are the bodies set out in planning legislation which we must directly consult but who are not obliged to respond, this includes parish and town councils. Consultation takes place via email notification in the case of a parish council, this is sent to the clerk.
- **other appropriate groups** - These are the bodies and organisations which represent the interests of various groups and residents in the county. This type of consultee includes local businesses, industry representatives, local community and action groups etc. We will consult those which we consider to be appropriate to the particular planning application under consideration. We recommend that groups who want to engage in the planning system pro-actively contact us to agree the type of development and the locations on which they are interested, so we can ensure that they are consulted.
- **Direct neighbour notification** – We will write directly to all postal addresses where known (dwellings and commercial properties) that immediately abut the application boundary (shown with a red line in the planning application site plan).

2.1.5.3 Publicity on Planning applications

In addition to direct neighbour notification, writing to all properties immediately abutting the application boundary; we may also carry out indirect notification by publicising the application through erecting site notice(s) near the site of the planning application. For County Council's own development this will be carried out by the developer. As required by the legislation we will place press adverts in the Eastern Daily Press for all minerals and waste management development and all County Council development that:

- is a "major" or EIA development;
- would affect the setting of a listed building,
- would affect the character or appearance of a conservation area;
- would affect a Public Right of Way (PROW); or
- constitutes a departure from the development plan

2.1.5.4 Initial Consultation period

The period for public consultation used by Norfolk County Council will be that set out in the relevant legislation and regulations. The actual period varies slightly depending upon the nature and scale of the proposal.

Applications that are subject to the **Environmental Impact Assessment (EIA) regulations** will be consulted on for a period of 30 days.

For **minor** and **major** applications, the initial consultation period will be 21 days. This period includes weekends but excludes bank holidays. If a consultation period includes a bank holiday it will be extended accordingly.

Applications for **public service infrastructure** have an initial consultation period of 18 days. Unless they are also subject to the EIA Regulations, in which case the period will be 30 days.

As most consultations include several different publicity methods, there can be several different deadlines for consultation. For example, the press notice may appear in the paper several days after letters have been posted to, and received by, neighbours to the proposal site. In this case we will always take the longest deadline which can be found on our [eplanning website](#). We recommend if you are worried that you may struggle to respond in time, you consult our website in the first instance, as you may have more time than you think. If after looking at the website, you are still concerned that you will not have enough time, please contact the team by email at mawp@norfolk.gov.uk, or contact the case officer by phone as per the consultation letter.

It is an important point to note that, although we set a consultation deadline, it does **not** mean that any comments received after the deadline will be ignored. The deadline is the date by which we guarantee we will have not determined the application, and so any comments made in that time will be considered. If you submit comments after the deadline date, but before we have determined the application, we will consider your comments.

2.1.5.6 Re-consultation

Once the initial round of public consultation has finished, officers will consider the comments raised before coming to a view on the proposal. Ideally this view would be to approve or refuse the proposal, or to recommend to the Planning Committee that the application should be refused or approved.

The National Planning Policy Framework (NPPF) asks that planning authorities work in a positive and creative way, including working proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area.

In a number of cases, it is unclear following the initial consultation what the correct approach should be, and additional information is required before a view can be formed. In line with the requirement to work proactively with applicants, we will seek this information before coming to a view. Once we have received this additional information, we will reconsult through a second round of public consultation. Re-consultations are generally shorter and involve more limited notifications. Whom we consult will depend upon the issues in question. Our approach is to consult only with those parties that have raised concerns about that element of the proposal. The default period for consultation will be 14 days, or 30 days if the proposal is an EIA development. Notwithstanding the above, anyone can still make comments that will be considered, and our website will show the re-consultation deadline date.

2.1.6 How you can be involved

2.1.6.1 Availability of Documents

While the application remains undetermined and throughout the consultation period, applications, including all the documents submitted with them, are available for inspection and to download from the County Council's [e-planning website](#). To access a specific application please use the search criteria. It is best to use the site reference number which will be shown on all notices and correspondence we produce, but if you do not have the reference number you can narrow your search by using the district and parish fields.

Please note all comments made in response to public consultations can also be viewed on the website. All documents will be subject to redaction to remove any sensitive personal information, such health status, and contact data such as signatures, email addresses and telephone numbers, to prevent fraud. Individual names and addresses will be retained. Unredacted copies of documents are available for inspection upon request.

While the use of computers, tablets and mobile phones is now widespread, we appreciate that not everyone has access to the internet or has the confidence to navigate or access the documents online. The County Council provides internet access at its main offices, County Hall and all public libraries. If you wish to use these facilities, please contact the planning department by email at mawp@norfolk.gov.uk, or contact the case office by phone, or visit your local library.

Once you have seen the application you can send us your comments:

- Online – [Planning Search \(eplanning.norfolk.gov.uk\)](http://eplanning.norfolk.gov.uk)
- Email – mawp@norfolk.gov.uk
- Post – Head of Planning, Minerals and Waste Planning, Floor 6, County Hall, Norfolk County Council, Norwich, NR1 2SG

Those who wish to submit a petition or e-petition rather than an individual response should check the NCC website for the current corporate Petitions Policy [Petitions - Norfolk County Council](#)

You will receive acknowledgement once your comment has been received. You will also be notified as an interested party should the application be decided at the Planning Regulatory Committee, and once the application has been determined.

2.1.6.2 Committee Reports

The [Council Constitution](#) sets out when decisions can be delegated to officers for determination and when they will be decided at committee by members. When a case is to be considered by committee, the report will be published on our website 7 days before the committee sits, and everyone who has commented on the application will be written to informing them that the case is to be considered by the planning committee. Letters will also explain how to register to speak at the committee. Please note that you if you do not register by the stated deadline, you may not be given the opportunity to speak at the committee. It is not a requirement to have made a previous comment on a proposal in order to speak. Full details of how the committee runs can be found in Section 26 of our constitution.

2.1.7 Post Decision

A planning permission is only deemed to be granted once the decision notice is dispatched to the applicant. This usually this takes place by email as soon as practicably possible after the committee has made its recommendation. We will publish the decision online, both on our website and the district council's website. At this stage there are no further community engagement exercises. Following the decision, an applicant has 6 months to appeal against a refusal to grant planning permission, and if the application was approved, 6 months to appeal against any conditions we have imposed on the permission. There is currently no right of appeal for third parties.

If an appeal is lodged, we will forward all documents, including previous consultation comments, to the Planning Inspectorate.

2.2 Other types of applications and submissions

As the County Planning Authority for Norfolk, we also process several other types of submission or applications. These are set out below along with the level of engagement we undertake in each case. It should be noted that there are no statutory requirements to engage the general public on these matters, however we will from time to time carry out some consultation. The level of consultation and the reasons for doing so are also set out below.

2.2.1 Submission of Details to Discharge a Planning Condition

If an application is granted, it is common practice to attach conditions. Conditions attached to a planning permission impose restrictions and/or require the submission of further details before and/or once a development is implemented. If conditions are imposed on a planning permission, this is an application seeking approval of such details.

Engagement method: Public consultation is not normally undertaken. Statutory consultees, and other bodies and organisations, are consulted if they requested a particular condition or are likely to have comments. The decision is sent to the relevant district/borough/city council, parish/town council and local member, if appropriate.

2.2.2 Minor and Non-material amendments

An applicant can request a minor amendment or a non-material (inconsequential) variation to a scheme (which does not raise any new issues for consideration) after planning permission has been granted.

Engagement method: Public consultation is not normally undertaken due to the scale of the amendment. Statutory consultees, and other bodies and organisations, are consulted if the case officer decides it is relevant. The decision is sent to the relevant district/borough/city council, parish/town council and local member, if appropriate.

2.2.3 EIA Screening and Scoping opinions

These are opinions issued in respect of an Environmental Impact Assessment (EIA). Screening Opinions seek the County Council's opinion as to if an EIA is required for a particular proposal/development. Scoping Opinions seek to advise on what information is required to be supplied in the Environmental Statement should it be considered an EIA is necessary.

Engagement method: Public consultation is not normally undertaken. Statutory consultees, and other bodies and organisations, are consulted if the case officer decides it is relevant. The decision is sent to the relevant district/borough/city council, parish/town council and local member, if appropriate.

2.2.4 Prior Approvals/Notification

Not all development requires a planning permission. The Government have in effect given landowner planning permission to carry out certain developments without the need to obtain planning permission from the local planning authority, these are generally referred to as “permitted development” rights. The details of what you can do under these rights are contained in the [Town and Country Planning \(General Permitted Development Order\) \(England\) Regulations 2015](#). In a number of cases, anyone wishing to exercise these rights is required to seek prior approval from the planning authority. In these cases, considerations are limited to specific criteria and do not involve an assessment of the planning merits of the proposal. As a result, public consultation is not normally undertaken.

2.2.5 Certificate of Lawfulness of Existing Use or Development

These applications are made when an applicant wishes to establish whether a use or development that they are already carrying out is lawful.

Engagement method: As it is the applicant suggesting an existing use, we may consult in an attempt to ascertain alternative views or contrary evidence – classing the application as major for development and minor for County Council projects. Statutory consultees, and other bodies and organisations, are consulted if the case officer decides it is relevant. The decision is sent to the relevant district/borough/city council, parish/town council and local member, if appropriate.

2.2.6 Certificate of Lawfulness of Proposed Use or Development

This application is a method to establish whether a use or development (which has not yet occurred) needs planning permission.

Engagement method: Public consultation is only undertaken in exceptional circumstances. Statutory consultees and other bodies / organisations are consulted if the case officer decides it is relevant. The decision is sent to the relevant district / borough / city council, parish / town council and local member, if appropriate. This is purely a legal interpretation of the General Permitted Development Order so the merits of the case are normally not relevant.

2.2.7 Nationally Significant Infrastructure Projects (NSIPs)

The Planning Act 2008, (the 2008 Act), introduced a development consent process for Nationally Significant Infrastructure Projects (NSIPs). NSIPs are usually large-scale developments (relating to energy, transport, water, or waste) which require a type of consent known as a ‘development consent order’ (DCO). The final decision on granting a DCO rests with the Secretary of State for that field, based on advice from planning inspectors – known as the ‘examining authority’. Therefore, Norfolk County Council are not the determining authority.

Engagement method: If you wish to participate in the examination of an application for development consent for a national infrastructure project, you first need to register with the Planning Inspectorate and make a relevant representation about the application.

2.2.8 Listed Building Applications

An application for Listed Building Consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 is required where an applicant proposes works that would affect a Listed Building or its setting. Whilst Norfolk County Council are not the determining authority, these types of applications are administered by the County Council.

Engagement method: Consultation with statutory consultees, other bodies, organisations and members of the public is undertaken as set out in paragraph 2.1.5. Representations received are forwarded to the relevant district/borough/city council who will determine the application. In certain cases, an application will be referred to the National Planning Casework Unit (NPU) on behalf of the Secretary of State for determination.

3. Community Involvement in Planning Policy Documents

3.1 Minerals and Waste Local Plan

Norfolk County Council has a full set of adopted Development Plan Documents (DPDs) which together make up the County's current Minerals and Waste Local Plan. They are:

- [Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD \(September 2011\)](#)
- [Minerals Site Specific Allocations DPD \(October 2013 and amendments December 2017\)](#)
- [Waste Site Specific Allocations DPD \(October 2013\)](#)

The [Minerals and Waste Development Scheme \(LDS\)](#) details the arrangements for monitoring and reviewing the Local Plan. The key stages in the production of a development plan document are listed below and the following sections detail what we do at each stage and when and how you can engage in each stage of the process.

- Plan Preparation stage (Regulation 18)
- Submission stage (Regulations 19 & 20)
- Public Examination stage (Regulation 24)
- Adoption stage (Regulation 26)

3.1.1 Plan preparation Stage

3.1.1.1 Consultation and Notifications

We will notify specific, general, and other consultation bodies as the County Planning Authority consider appropriate (see Appendix 1) of the consultation by email or letter.

We will make the Local Plan documentation available to view online on our digital consultation platform as part of any consultation. The digital consultation platform has a range of functionalities, such as allowing stakeholders to view and comment on documents and maps.

Depending upon the subject matter of the Local Plan, we may employ further engagement techniques deemed appropriate such as:

- Notify, by email or letter, the occupants of properties located within 250 metres of a proposed site boundary.
- Issue press releases
- Hold public exhibitions or meetings
- Social Media - the council will promote planning policy consultations on its social media platforms such as Twitter and Facebook.

3.1.1.2 When you can be involved

During the Plan Preparation stage, we will hold formal consultation exercises which will run for a minimum period of 6 weeks. At the time of writing, we have already held two such exercises for the current emerging Minerals and Waste Local Plan, in 2018 and 2019, and we do not currently propose to hold any further rounds of plan preparation consultations. Comments received after the closure of the consultation period will not be considered.

3.1.1.3 How you can be involved

You can view and comment on draft local plan documents online on the County Council's website <https://norfolk.oc2.uk/>. If you do not have access to the internet, where possible, we can provide access for you via the Council's principal offices and local public libraries. At this stage you can comment on any aspect of the proposals under consideration or suggest alternative approaches. All responses must be submitted to the County Council in writing, either by email, letter or via the e-consultation website.

3.1.2 Submission Stage

3.1.2.1 Consultation and Notifications

We will make Submission Documents and the statement of the representation's procedure available for inspection in accordance with Regulation 35 and send them to statutory consultation bodies.

We will send the following information to general consultation bodies invited to make representations under Regulation 18 :

- A statement of the representation's procedure.
- A statement of the fact that the Submission Documents are available for inspection and of the places and times at which they can be inspected

3.1.2.2 When you can be involved

The formal representation period will be for no less than 6 weeks and will take place after the submission document has been approved by Cabinet and before submission to the SoS. Only comments submitted during the published representation period will be accepted.

3.1.2.3 How you can be involved

You can make representations about the proposed Development Plan Document which we intend to submit to the SoS. The matters on which comments can be made at this stage of the plan making process are limited. You can make representations on issues of the legal compliance and soundness. The tests of soundness are set out in the [National Planning Policy Framework](#). All representations must be submitted to the County Council in writing, either by email, letter or via the e-consultation website. In your representation you should provide all the information you wish the inspector to consider and also state whether you want to take part in-person in any future hearings. Only parties requesting changes to the plan have a right to speak at hearings.

3.1.3 Public examination

3.1.3.1 Consultation and Notifications

At least 6 weeks before the examination commences, we will publish details of the examination on our website, and notify people who made representations of the date, location, and contact details of the independently appointed programme officer. We will also notify those who have made representations of any pre-examination hearing and details of the full examination when they become available.

3.1.3.2 When you can be involved

In the event that the inspector invites additional written submission prior to the examination you will be given 2-3 weeks to submit any additional information and a further 2-3 weeks to read any information submitted by other parties.

3.1.3.3 How you can be involved

If you have made a representation on the submission version of the Development Plan Document, you will be invited to attend any pre-examination hearing if one is being held and the subsequent examination itself. Administration of the examination is undertaken by an independent programme officer who can advise you on the detailed examination timetable. If you want to speak at the examination, you will need to state this in your representation and let the programme officer know. As stated above, only those parties requesting a modification to the plan have a right to

speak at an examination. However, the inspector does have discretion to allow other parties to speak.

3.2 Other Development Plan documents

3.2.1 Area Action Plans (AAPs)

Currently the County Council has not identified any areas for which an area action plan would be suitable. If work on the Minerals and Waste Local Plan identifies a need for an area action plan or plans, then details would be included in an amended 'Norfolk Minerals and Waste Development Scheme'. Area action plans are development plan documents and any of the methods of community involvement set out in section 3 of this SCI are applicable.

3.2.2 Supplementary Planning Documents (SPDs)

Currently, the County Council has no plans to produce any supplementary planning documents to provide further guidance on issues or policies in the Minerals and Waste Local Plan. If work on the Minerals and Waste Local Plan identifies a need for an SPD, then details would be included in an amended 'Norfolk Minerals and Waste Development Scheme'.

Community involvement on any SPDs will, as a minimum, seek to ensure that the level of community involvement required by Government Regulations takes place. In most cases an SPD will not require a sustainability appraisal. If the County Council decides to produce an SPD, the methods of community involvement set out in section 3 of this SCI are applicable and the County Council will consult those consultees shown in Appendix 1. An SPD must be adopted by council resolution.

3.2.3 Neighbourhood Plans

Minerals and waste planning matters are outside the remit of Neighbourhood Plans. The first point of contact for those communities interested in preparing a neighbourhood plan is the local planning authority. In Norfolk this means the district or borough council or the Broads Authority.

3.3 Minerals and Waste Development Scheme (LDS)

The Minerals and Waste Development Scheme provides the timetable for reviewing, updating and adopting the new Local Plan. It will have an indication as to when the public engagement exercises (both formally and informally) will take place. Looking forward, the scheme will highlight when we expect the final version of the plan to be published, examined and adopted.

3.3.1 Consultation and Notifications, what we will do

There is no legal requirement for public consultation or notification on revisions to the scheme. Any proposed changes to the scheme will be considered by Cabinet before adoption. This means proposals will be published at least one week before consideration. The [LDS](#) will be published on the County Council's website

3.3.2 When you can be involved

The LDS will be monitored on a regular basis and reviewed as required.

3.3.3 How you can be involved

The Council will accept representations seeking changes to the LDS at any time. These will be considered at the time of the LDS review. Members of the public who are residents in Norfolk may ask questions of the Cabinet through the chair through following the [Ask a question to a committee - Norfolk County Council](#) procedure.

3.4 Statement of Community Involvement (SCI)

3.4.1 Consultation and Notifications, what we will do

There is no legal requirement for local planning authorities to consult when reviewing and updating the SCI. Any proposed changes to the SCI will be considered by Cabinet before adoption. This means proposals will be published at least one week before consideration. The adopted [Statement of Community Involvement](#) will be published on the County Council's website.

3.4.2 When you can be involved

The SCI will be monitored on a regular basis and reviewed at least every five years.

3.4.3 How you can be involved

The Council will accept representations seeking changes to the SCI at any time. These will be considered at the time of the SCI review. Members of the public who are residents in Norfolk may ask questions of the Cabinet through the chair by following the [Ask a question to a committee procedure](#).

4. Monitoring and Enforcement

4.1 Local Liaison Groups

Once a development has been approved, officers will regularly monitor the site to ensure that the development complies with the planning permission and any conditions that have been imposed. Because of the nature of minerals and waste development, local liaison groups are quite often beneficial. We believe they provide an excellent forum for all stakeholders to influence the ongoing development of a site. Where there is public support for a group and a willingness from the operator, we will provide officers to attend the group meetings. Membership of these groups tends to vary but generally consists of elected members from parish, town, district and county councils along with our officers, and officers from other regulatory bodies such as the Environment Agency. If you want to get involved in setting up a liaison group or joining an existing one you can contact us in the first instance, and we can put you in touch with the relevant organisations.

4.2 Breaches of Planning Control

Instances where operators carry out development without the benefit of planning permission, or where planning permissions exist, carry it out contrary to the permission, are referred to as breaches of planning control. Where you believe there has been a breach you can report using any of the following methods.

- Email – mawp@norfolk.gov.uk
- Post – Head of Planning, Minerals and Waste Planning, Floor 6, County Hall, Norfolk County Council, Norwich, NR1 2SG
- Telephone during office hours – 0344 800 8020

We will respond to any complaints in accordance with our [Enforcement Plan](#). We will not ask or expect you to undertake any form of surveillance of activities. We may however, depending upon the nature of allegations, ask you to make a formal statement. Investigations into alleged breaches of planning control can be highly sensitive and while we notify complaints on key stages and of the overall outcome of our investigations, we are unable to provide you with our detailed findings.

Appendix 1 - Consultees on Norfolk's Minerals and Waste Local Plan

Please note, this list is not exhaustive and also relates to successor bodies where reorganisations occur.

Specific consultation bodies

Coal Authority
Environment Agency
Historic England
East of England Local Government Association
Natural England
The Secretary of State for Transport
Parish and town councils in Norfolk
District and borough councils in Norfolk
County, district, borough, town and parish councils adjoining Norfolk
Broads Authority
Relevant electricity and gas companies
Relevant sewerage and water undertakers
Relevant telecommunications companies
Homes England
Norfolk Police Authority

General Consultation Bodies

- (a) Voluntary bodies some or all of whose activities benefit any part of the authority's area;
- (b) Bodies which represent the interests of different racial, ethnic or national groups in the authority's area.
- (c) Bodies which represent the interests of different religious groups in the authority's area;
- (d) Bodies which represent the interests of disabled persons in the authority's area;
- (e) Bodies which represent the interests of persons carrying on business in the authority's area.

Other Consultation Bodies

Campaign to Protect Rural England
Civil Aviation Authority
Country Land and Business Association
Countryside projects
Defence Infrastructure Organisation
Environmental Services Association
Equality and Human Rights Commission
Friends of the Earth
Greenpeace
Health and Safety Executive

Minerals and waste operators
Minerals and waste trade associations
Mineral Products Association
National Farmers Union
National Highways
National Trust
Network Rail
Norfolk Coast Partnership
Norfolk Association of Local Councils
Norfolk Farming and Wildlife Advisory Group
Norfolk County Council Historic Environment Service
Norfolk Rural Community Council
Norfolk Wildlife Trust
Norfolk's Clinical Commissioning Groups
Norwich International Airport
Abellio Greater Anglia
Planning agents who work for the minerals and waste industry
The Ramblers
Royal Society for the Protection of Birds
Visit East Anglia
Visit Norfolk

Duty to Cooperate bodies

(as specified in the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011))

Environment Agency
Natural England
Local Nature Partnerships
Mayor of London (where applicable)
Civil Aviation Authority
Homes and Communities Agency
Clinical Commissioning Groups
The NHS Commissioning Board
Historic England
The Office of Rail Regulation
National Highways
Transport for London (where applicable)
Integrated Transport Authorities
Highway Authorities
Local Enterprise Partnerships
Marine Management Organisation
Local Planning Authorities

Appendix 2 - Consultees on planning applications

Community involvement will include notification of the district, town and parish councils, and County Councillors and any relevant statutory bodies or consultees which could include one or more of the following:

Bus Service Enhanced Partnership Improvement Board
Civil Aviation Authority
Defence Infrastructure Organisation
Department for Environment, Food and Rural Affairs
Environment Agency
Equality and Human Rights Commission
Friends of the Earth
Forest Enterprise (England)
Health and Safety Executive
Highway Authority
Historic Buildings and Monuments Commission for England (Historic England)
Lead Local Flood Authority
National Farmers Union
National Highways
National Trust
Natural England
Network Rail
Norfolk Wildlife Trust
Norfolk's Clinical Commissioning Groups
The Ramblers' Association
Relevant electricity and gas companies
Relevant sewerage and water undertakers
Relevant telecommunications companies
Royal Society for the Protection of Birds
Secretary of State for Transport
Sport England

Policy Framework update - Mineral and Waste Development Scheme and Statement of Community Involvement

