Our Ref: 21/011/GM/22/049
Your Ref:

Norfolk County Council
Planning Services (Minerals and Waste Policy)
Community and Environmental Services
County Hall
Martineau Lane
Norwich
NR1 2DH

For the attention of Ms C Jeffery

19 December 2022

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Dear Caroline,

Norfolk Minerals and Waste Local Plan – Regulation 19 Consultation

1. Context

1.1 I am writing on behalf of our client The Lyndon Pallett Group in respect of the above consultation. A representation was previously made by Small Fish Strategy Consultants on behalf of our client during the original 'Call for Sites' exercise held in 2017 in which three potential extensions were put forward for inclusion in the Norfolk Minerals and Waste Local Plan in relation to their existing operations at Feltwell Quarry, Lodge Road, Feltwell, Norfolk, IP26 4DR.

1.2 During the initial consultation period the Feltwell Quarry extension site ('the Site') was assigned the reference MIN 204. Following submission, concern was raised by Natural England relating to the proximity of the Site to the Breckland Forest SSSI and the Breckland Special Protection Area (SPA). An updated submission was therefore made on behalf of our client which removed from the proposal the parcel of land which was situated closest to the boundary of the Breckland Forest SSSI. The amended proposal for the Site combined an area of 10.4 hectares with an estimated workable deposit of 575,000 tonnes.

1.3 Following this updated submission, Natural England as statutory consultee, did not agree that the Site should be 'screened in as suitable' under the Habitats Regulations citing at that time the recent (April 2018) Court of Justice of the European Union case of *People over Wind v Coilte Teoranta* which had just been determined and held that mitigation measures should not be factored in at the screening stage to determine whether an appropriate assessment is needed under the Conservation of Habitats and Species Regulations 2017. Norfolk County Council (NCC) therefore excluded the site for this reason within the Preferred Options Consultation Document on the following basis:

1. *"Due to the proximity of the site to the Breckland Forest SSSI (part of the Breckland SPA), and the location of the site within the Protection Zone for Stone Curlews, there is the potential for unacceptable adverse effects on the SSSI from the proposed mineral extraction."*

2 *"Whilst it may be possible to design and operate a site where there would not be any adverse effects on the SSSI or SAC, this uncertainty is a significant constraint to the development of the site and therefore the site is considered to be less deliverable than other sites that have been proposed for extraction."*

1.4 The *People Over Wind* case, however, does clarify that mitigation measures can be taken account of as part of the appropriate assessment of a site which may be necessary under the Habitats Regulations and of course this consideration would take place at plan-making or planning application stage. At the stage when Natural England commented and when the legal position had just altered, NCC was advised by Natural England to take its own legal advice about the relationship of the judgment to sites which may require Habitats Regulations Assessments, and by implication, to progressing the site options for the Minerals and Waste Local Plan. The uncertainty appeared to be the motivation for NCC to reject the Site extensions despite its existing operation without adverse effects on the Breckland Forest SSSI and lack of evidence that there would be any future adverse effect.

1.5 We draw attention to the Government Guidance on the use of Habitats Regulations Assessments (22 July 2019) where advice is given as to what an authority can take account of at screening stage as to whether appropriate assessment is required; there are many project considerations that can be taken into account by the authority irrespective of nature conservation issues around safety, phasing, and visual impacts. The test for whether an appropriate assessment is required is whether a development is considered likely to have a significant effect on a protected habitats site. A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. However, we are aware that the guidance states that a risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment, but this should be based on 'objective information'. By way of reminder, if an appropriate assessment is required, mitigation measures which may be required to protect nature conservation interests within the protected area should then be taken into account.

1.6 Given the many benefits of the Site and in order to demonstrate that the stated uncertainty of NCC in respect of nature conservation in relation to the SSSI does not warrant exclusion of the Site's allocation, attached to this representation is an ecological assessment which has been prepared by Wilkinson Associates specifically addressing the reasons for non-inclusion of the Site in the MWLP which were relied upon during the Options stage consultation. This assessment is supported by an indicative block proposals plan relating to the amended 10.4 hectare site and a concept restoration scheme is provided illustrating how the Site could be worked and restored without adverse effects on the SSSI or SAC. The concept restoration scheme is provided to illustrate how the Site could be enhanced upon restoration and would also serve to support the SSSI and SAC and the protected species within; details would be provided at planning application stage.

1.7 It is submitted that these reasons for non-inclusion of the Site are not justified and are not supported by sufficient evidence which justifies the rejection of the extension to the existing quarry. As a consequence, the draft Minerals and Waste Local Plan (MWLP) which is being put forward for adoption is not considered to be sound. I have elaborated more on the reasoning for this in the context of the relevant policy below. As it is the inadequate evidence upon which the earlier decision was taken to exclude the Site, it is important to analyse that evidence and that which counters it. In no small part it appears that the issue has been one of timing, where new European caselaw had just brought about a change in the law relating to application of the Habitats Regulations and assessment of potential impacts on protected sites. We are now in a position to provide the assessment work that is required under the Habitats Regulations.

1.8 In support of this, a geological investigation report has also been produced by Touchstone Geological Services Limited relating to the mineral deposit at the Site.

1.9 The aim of this representation is, therefore, to provide evidence and assurance that contrary to the previous Natural England uncertainty, from which NCC had taken their lead, the Site can be operated in a manner which would not result in any adverse effects on the SSSI or SAC and the plan is not sound without its inclusion and certainly not positively prepared. This shows that the assertions made by the local planning authority at the Options consultation stage are insufficient in their reasoning and have led to a conclusion which is now unsound.

2. Summary Position

2.1 Natural England's assessment of the Site is inadequate and not founded on evidence but uncertainty as to the legal implications of new legal authority which led to an unjustified rejection of the Site. The reasoning for exclusion of an extension to an existing quarry which has been operating for over 60 years with no detrimental effects is thus flawed and the MWLP is not positively prepared.

2.2 Non-inclusion of the Site in the MWLP will result in a lack of sand and gravel production in the south of Norfolk after the existing Feltwell Quarry closes in 2024, with no further quarry allocated to replace the loss. This is not sustainable and will lead to additional HGV carbon miles, emissions from longer HGV trips, and amenity loss.

2.3 Non-inclusion of the Site in the MWLP is likely to result in a lack of sand and gravel for Norfolk through the middle of the plan period.

2.4 Where there is additional mineral to extract in adjacent land it is axiomatically the more sustainable option to extend an existing working quarry site than mobilise for a new quarry site unless there are overriding environmental or planning reasons that the extension land is not suitable.

2.5 There is an inconsistency between assessment of proposed site MIN 69 and the Site in respect of existing landscape screening. This leads to an erroneous conclusion of unacceptability of the Site and its exclusion from the MWLP.

2.6 There is an inconsistency between the consideration of proposed Site MIN 40, where mitigation of any potentially harmful ecological effects has been factored in so that the principle of the allocation of MIN 40 is accepted but the detailed mitigation will be dealt with at development management stage.

2.7 The combination of these factors means that without allocation of the Site, the draft MWLP is not sound and does not accord with paragraph 35 of the National Planning Policy Framework of July 2021 (NPPF) provisions [see Section 7 below].

3. Ecological Assessment

3.1 The ecological assessment produced by Wilkinson Associates is based upon two ecological surveys undertaken during May and July 2022. Jan Wilkinson BSc (Hons) MCIEEM, is an ecologist with more than 20 years' experience of undertaking ecological assessments and writing EcIA reports for mineral extraction proposals. She has specific experience of assessing the impacts of mineral proposals on Stone Curlew populations in the Breckland area, having been the project ecologist for three successive

applications for planning permission at another quarry which lies within the Breckland Farmland SSSI and Breckland SPA.

3.2 Ecological surveys undertaken included a Phase 1 Habitat Survey of the Site and its immediate surrounds including a search for any evidence of protected species or of habitats and species of principal importance. A careful search was made for any evidence of nesting or foraging Stone Curlews.

3.3 No nesting or foraging Stone Curlews were observed and no protected species were identified during either of the surveys undertaken.

3.4 The two proposed extension areas for the Site comprise flat arable fields of very low intrinsic ecological value. With regard to the suitability of the Site for Stone Curlews it is noted that both of the extension areas put forward for allocation within the MWLP are relatively small in size and surrounded by woodland. These factors make the Site unfavourable for Stone Curlew nesting. The reasons for this are elaborated upon further within the attached assessment.

4. Geology

4.1 A Geological Report and Mineral Resource Assessment dated December 2022 has been prepared by Touchstone Geological Services Limited in respect of the two proposed extension areas.

4.2 The Site is underlain by river terrace sands and gravels of the Pleistocene Anglian Stage (approx. 450,000 years old). The deposit is assigned to the Croxton Sand and Gravel Member. The sand and gravel rests on a bedrock of Upper Chalk, spanning Holywell Nodular Chalk and New Pit Chalk Formations.

4.3 The geological investigation work undertaken comprised of twelve 8" intermittent flight auger boreholes drilled across the two proposed extension areas. Samples of the drilling horizons were collected during the investigation and sent for laboratory grading analysis.

4.4 The topsoil is generally 0.3m thick and consists of a grey-brown, silty, humus-rich, gravelly, fine to fine/medium grained sand.

4.5 The uppermost sand horizon varies from 0.2 to 4.0m thick, averaging 3.0m. It comprises dark orange-brown, slightly silty, fine-grained sand with occasional lenses of sandy silt and rare pebbles of flint.

4.6 The main sand and gravel horizon varies from 1.0 to 5.0m, averaging 3.0m. It is a dark orange-brown, slightly silty, fine to fine/medium grained sand with 20-40% gravel. The gravel is predominantly subangular to subrounded, occasionally irregular flint up to 120mm but mainly sub 31.5mm. There is a significant brown, rounded quartzite component.

4.7 The lowermost sand horizon varies from 2.0 to 6.0m thick, averaging 3.0m. It comprises dark orange-brown and pale orange-brown, fine-grained sand with rare fine gravel stringers.

4.8 In terms of the total mineral reserve across the two extension areas the geological investigation reveals that the Site contains approximately 651,000 saleable tonnes of sand and gravel once allowance has been made for silt and appropriate standoffs and batter slopes. This is a slight refinement from the original plan representation made by Small Fish Strategy Consultants in which it was estimated that the two extension areas contained approximately 575,000 tonnes of sand and gravel.

4.9 Laboratory analysis of the sand and gravel horizons has shown that the mineral contained within the Site is suitable for a range of uses including as concreting aggregate and masonry mortar.

5. Working and Restoration Proposals

5.1 The current situation is illustrated on Drawing Number KD.FELT.D.002 which shows the Site's two proposed extension areas in relation to the existing quarry and surrounding woodland. Both areas comprise arable land. Drawing Numbers KD.FELT.D.003 and KD.FELT.D.004 illustrate the proposed block working and restoration scheme respectively.

5.2 With regard to the working of the extension areas it is proposed that these are worked in a phased manner in order to minimise the area of disturbance at any one time. The Site has therefore been subdivided into two phases, commencing with the larger field to the south of the existing quarry first before moving on to the smaller field to the west.

5.3 Phase 1 has been subdivided into two sub-phases commencing with the northern part of the field which will be worked in a northerly direction, before switching to the southern half which will be worked in a southerly direction. The purpose of working the Site in this manner is to create a void which is at a distance from any neighbouring receptors such that extraction operations can be undertaken at a lower level than neighbouring receptors as mineral extraction progresses north and south, thus limiting as far as reasonably possible any external impacts.

5.4 In terms of the duration of mineral extraction, it is estimated that, based upon the current rate of extraction from the existing quarry of 60,000 tonnes per annum (tpa) and the total mineral tonnage of 651,000t, that mineral extraction will take approximately 11 years to complete. A period would be needed thereafter to complete the restoration.

5.5 Advance scrub planting will be undertaken around the perimeter of the phased working areas to establish the transitional woodland edge habitats up front at the start of operations.

5.6 As mineral extraction is undertaken, this will be followed by progressive restoration involving the deposit of inert materials to allow the land to be returned to near original contours with restoration back to heathland with perimeter scrub and tree planting to provide transitional habitat into the surrounding woodland plantations. The aim of this scheme is to create a final landform that complements the Breckland Area and creates a landscape which is of greater ecological and biodiversity value than exists at present. An indicative restoration scheme is illustrated on Drawing Reference KD.FELT.D.004.

5.7 Based upon this evidence, it is clear that it was erroneous that the proposed extensions to Feltwell Quarry were assessed as unsuitable for allocation within the MWLP. As a result of the failure to recognise the extensions to Feltwell Quarry as suitable, the quantity of mineral available for extraction from the Site over the plan period would be lost, rendering the MWLP unsuitable for adoption. Further analysis on the lost opportunity is set out below.

6. Sites Carried Forward for Allocation – Relationship to and Comparison with Feltwell Quarry Extensions

6.1 In assessing the suitability of the Feltwell Quarry Site for allocation within the MWLP we have undertaken a comparative analysis of the sites which have been carried forward for adoption, focusing

on the nature of the sites, their setting, and geographic distribution within the County. We have also considered the mineral provision made within the plan itself and the anticipated timescales over which this shall be delivered.

6.2 The MWLP has put forward 17 sites for allocation, of which 14 are allocated for sand and gravel, two are put forward for silica sand and one has been put forward for Carstone provision. Since Feltwell Quarry relates to sand and gravel extraction I have primarily focused on the 14 sites allocated for this purpose. The 14 sand and gravel sites put forward for allocation have a combined mineral reserve in the region of 18.32 million tonnes.

6.3 With respect to the total annual demand for sand and gravel the MWLP identifies a need to supply 1,506,000tpa of sand and gravel. This is based upon the previous 10 years' sales plus an allowance of 10% which is based upon increased mineral demand during the three year period between 2018 and 2020.

Distribution of Sites

6.4 It is widely recognised that mineral can only be worked in locations where it is found and it is accepted that this can lead to the clustering of sites within certain areas. However, when allocating sites suitable for mineral extraction, consideration must be made to cumulative effects of multiple mineral operations sited within close proximity to one another. There should be an attempt to distribute sites as equally as possible across the County in order to minimise cumulative effects, minimise road miles and serve market demand equally.

6.5 With regard to the distribution of sand and gravel within Norfolk, two key cluster points are identified within the MWLP allocations.

6.6 MIN 12 relates to a 14.9 hectare extension to an existing Quarry and is located on land north of Chapel Lane, Beetley. The Site contains an estimated reserve of 1,175,000 tonnes (t) of sand and gravel which is forecast to be extracted at a rate of 80,000 tpa. This would give the Site a lifespan of 15 years from the proposed start date of 2025. Within the same village Sites MIN 51/ MIN 13/ MIN 08 have been allocated. These relate to the proposal of a new sand and gravel quarry comprising an area of 39.65 hectares located on land west of Bilney Road, Beetley. It is estimated that the new quarry contains a reserve of 1,830,000t of sand and gravel which would be extracted at a rate of 70,000tpa for 7 years before increasing to 110,000tpa for the remaining life. At these rates, it is forecast that the site will have a lifespan of 19 years from the proposed start date of 2022.

6.7 It is important to note that these two sites have been put forward by different operators so cannot be assumed to share any existing facilities.

6.8 When measured from boundary to boundary, these two allocated sites are separated by only 810m at their nearest point. This has the potential to result in significant in-combination effects upon local amenity within the village of Beetley and surrounding areas. Both sites will utilise the same transport network and the addition of a new quarry would result in an increase in HGV traffic and associated environmental disturbance to local residents when compared against the existing baseline. Given the proposed start dates and forecast output of these Sites there will be a significant overlap in operations of 16 years with a combined mineral output of up to 190,000tpa.

6.9 Another cluster of allocated sites has been identified within the Buxton/ Horstead area. These relate to:

1. MIN 37, which is a 23.5 hectare extension to an existing quarry located on land east of Coltishall Road, Buxton.
2. MIN 64, which is 10.2 hectare extension to an existing quarry located on land at Grange Farm, Buxton Road, Horstead.
3. MIN 65, which is a 52.48 hectare extension to an existing quarry located on land north of Stanninghall Quarry.

6.10 When measured from the centre, all three sites fall within approximately a 2km radius and therefore in combination effects may occur from the operation of all three quarries.

6.11 In terms of lifespan, all three are proposed to operate over a similar timescale, with MIN 37 and MIN 64 proposed to commence in 2022 and MIN 65 proposed to commence in 2024 and all three sites are forecast to be completed between 2035 and 2037. It is worth noting that planning permission has already been granted for these sites.

6.12 When considering the distribution of mineral reserves within the County, these sites together would produce in the region of 450,000tpa of sand and gravel. This is a significant apportionment of NCC's annual demand for sand and gravel, accounting for approximately 30% of the forecast total annual demand during the plan period.

6.13 Considering the matter of geographic distribution, it is clear that there is some unequal distribution within the plan allocations, with the area to the north of Norwich very well served by a number of allocated sites including MIN 37, MIN 64 and MIN 65. This cluster of mineral sites can partly be justified given the urban centre of Norwich to the south which is a major centre of building. However, it is likely that a portion of this mineral would need to be transported further afield to areas less well served by allocated mineral sites.

6.14 When considering MIN 12 and MIN 51/ MIN 13/ MIN 08, the need for two mineral sites in such close proximity is less clear as both of these sites are more geographically remote from Norwich, yet would still have a combined mineral output of up to 190,000tpa. It is highly likely, therefore, that mineral from these sites would need to be transported greater distances to the required destinations, representing a much less sustainable option when considered against a more equal distribution of allocations within the County.

6.15 On a similar note, the logic is questionable of allocating a new mineral Site in such close proximity to an existing Site which has also been allocated an extension. Significant disturbance occurs when establishing new mineral developments including the loss of habitats from the clearance of undeveloped land in addition to the expenditure of energy and materials needed to establish site infrastructure including offices and welfare facilities, as well as the provision of utilities and any access improvements.

6.16 When considered against the alternative of granting extensions to existing mineral developments there is a question over the deliverability and sustainability of new sites. Extensions to existing mineral developments do not require the same scale of disturbance as new sites as they often rely upon existing infrastructure and access, thus saving resources and removing the need for new access and facilities which can often be a cause for dispute.

6.17 Following examination of the MWLP policy map it is evident that parts of the south of the County are less well served relative to the north east of the County. The most southerly allocations are MIN 200, located at Carbrooke and MIN 25 located at Haddiscoe in the far east of the County. Consequently, populations within the south of Norfolk, including the population centre of Thetford are relatively under-

served by new mineral development sites. Feltwell Quarry is well placed to meet the needs of the south of the County and has good transport links to the urban centre of Thetford. However, mineral within the existing quarry is due to run out within the next 12 months, leaving a shortfall in supply within the area which it serves, and which would need to be met by new mineral sites located further afield. This represents a significant negative sustainability outcome, as the importation of mineral from more distant sites will result in an increase in HGV road miles and associated carbon emissions. An extract from the MWLP policy map is illustrated at Figure 1 below showing the distribution of allocated mineral sites in the southern half of Norfolk. The distribution of allocated sites with the extensions to Feltwell Quarry included is illustrated in Figure 2.

Figure 1: Extract from NCC MWLP Allocations Map

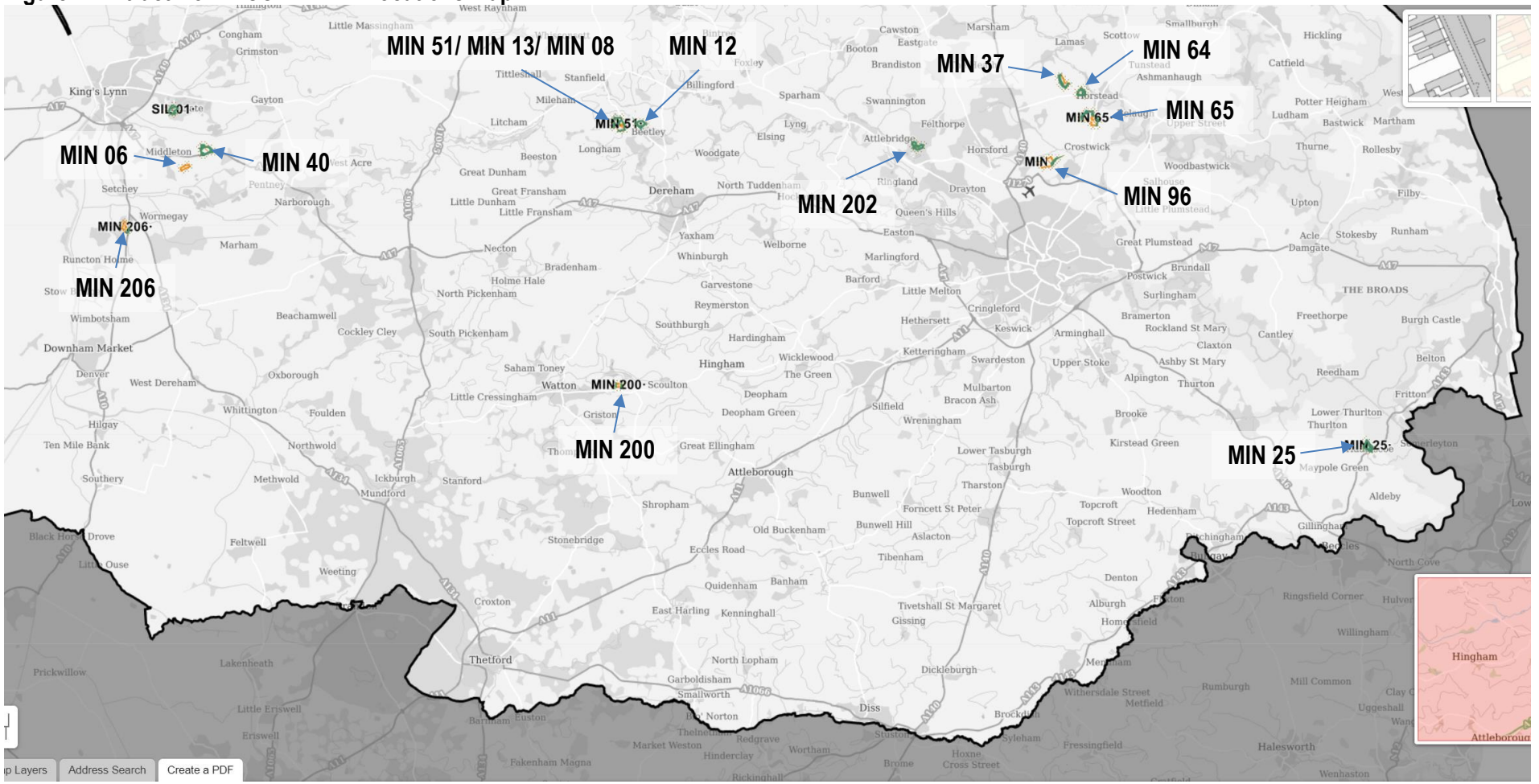
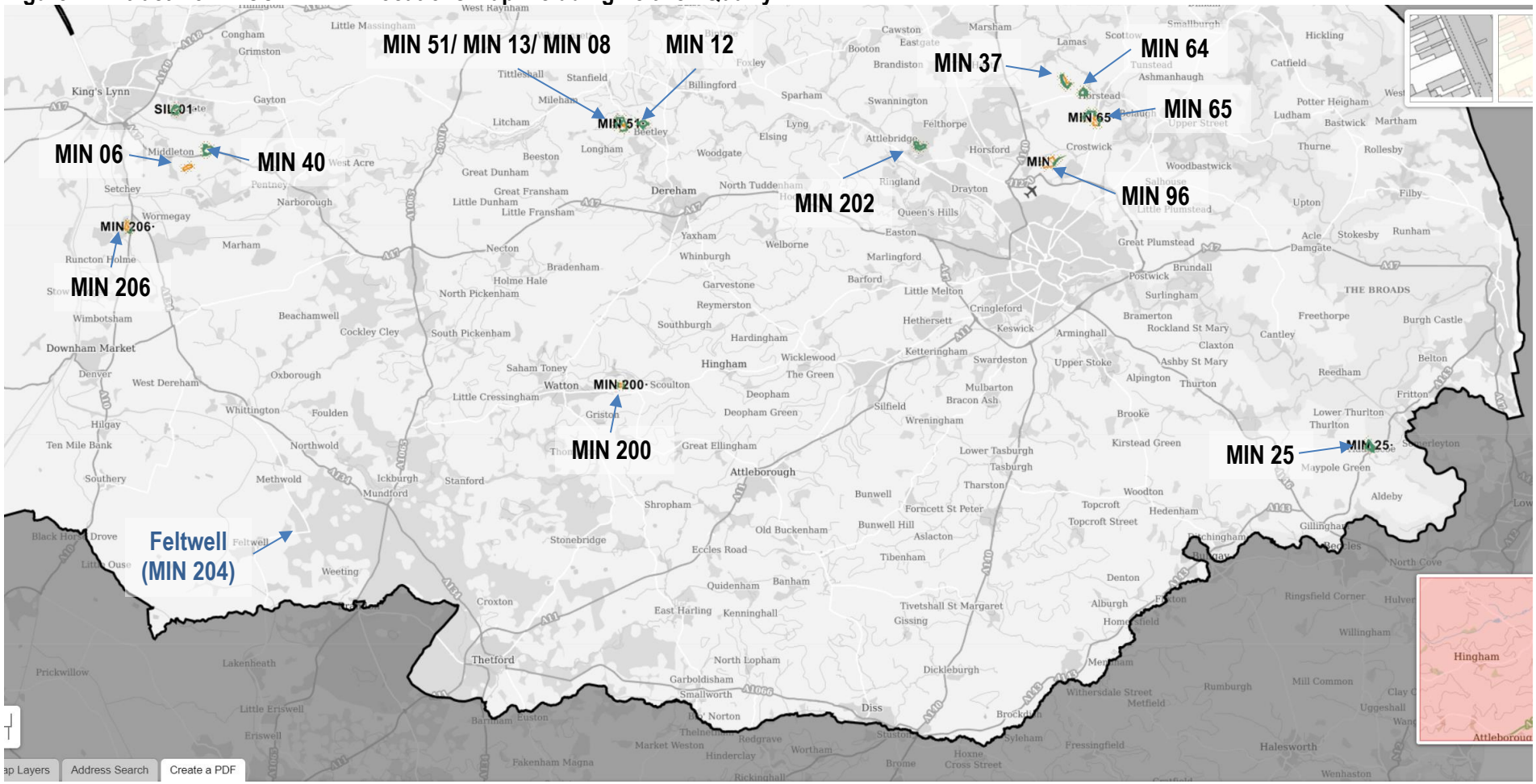
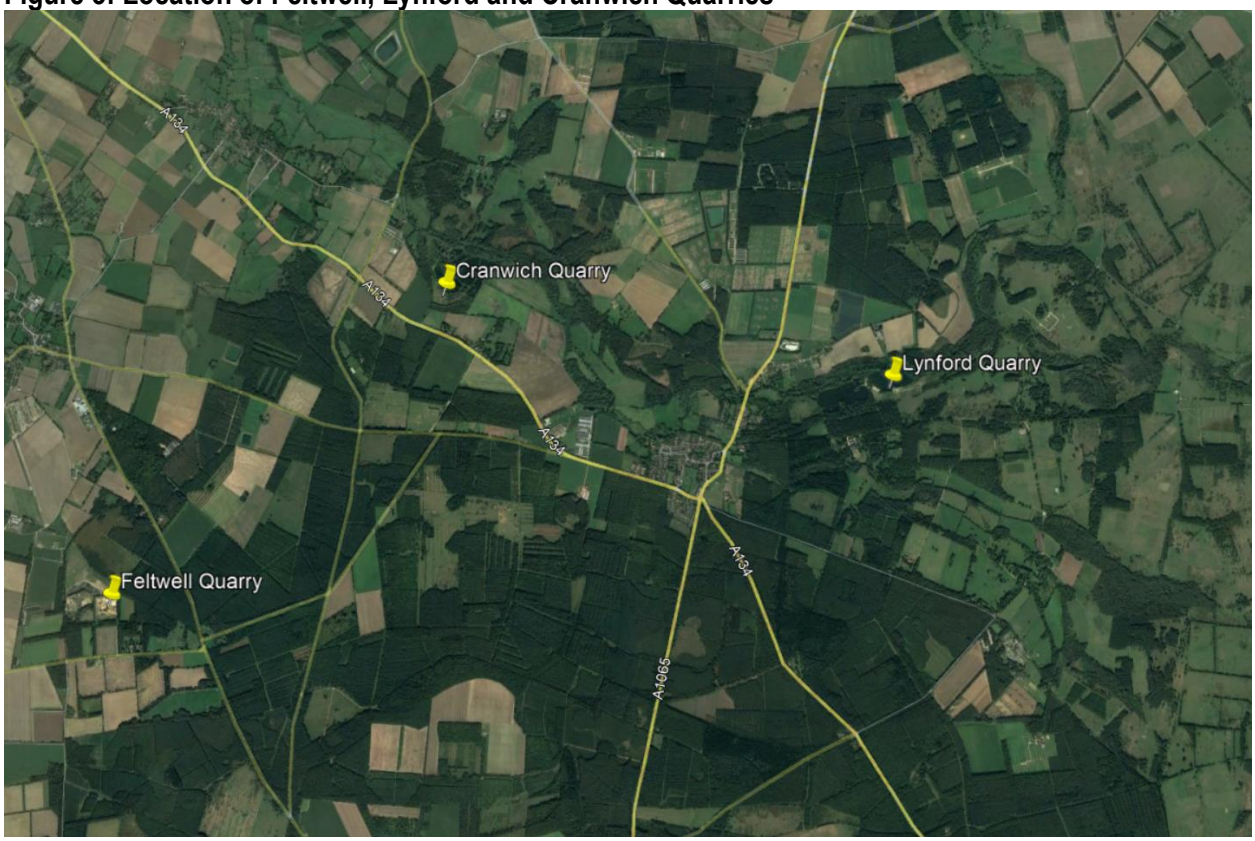


Figure 2: Extract from NCC MWLP Allocations Map including Feltwell Quarry



6.18 In addition, analysis shows that there were a number of quarries which used to operate within proximity to Feltwell and these included Lynford Quarry and Cranwich Quarry. The locations of these are illustrated on Figure 3 which comprises an extract from Google Maps.

Figure 3: Location of Feltwell, Lynford and Cranwich Quarries



6.19 It is understood that Lynford Quarry ceased trading and was restored in around 2008, with Cranwich Quarry closing a little earlier in around 2006. The important matter to consider here, however, is that all three of these quarries operated simultaneously serving aggregate demand within south Norfolk. However, now all that remains within this area is Feltwell Quarry, and at present, without the allocation of Feltwell within the MWLP, the supply of primary aggregate within this area will shortly cease altogether. This outcome is of critical concern and a MWLP that allows the distribution of sand and gravel quarrying to omit a significant part of the south Norfolk area cannot be justified as a sound outcome.

Constraints – Sensitive Areas and Mitigation Opportunities

6.20 In terms of the setting of the sites put forward into the MWLP we have undertaken an analysis of the constraints on these sites, including proximity to protected areas and the likelihood of disturbance from the sites should they become operational.

6.21 MIN 69 relates to a 16.86 hectare extension to an existing quarry, and is located on land north of Holt Road, Aylmerton. The extension contains an estimated reserve of 2,000,000t of sand and gravel, of which planning permission has already been granted for the extraction of 1,000,000t within the northern part of the site. The site has a history associated with mineral extraction and the existing quarry comprises land which was originally granted consent under an Interim Development Order (IDO) in the 1940s. With respect to its setting, the entire site is located within the Norfolk Coast Area of Outstanding Natural Beauty (AONB).

6.22 In respect of mineral development within AONBs the National Planning Policy Framework states that when considering proposals for mineral extraction planning authorities should:

"As far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas."

6.23 It has, however, been concluded by NCC during the production of the MWLP that the proposed extension at MIN 69 is suitable on landscape grounds in respect of the AONB due to the screening of the site from public views as a consequence of established planting around the perimeter of the site.

6.24 In this respect, the conclusions made by NCC in respect of MIN 69 are inconsistent with NCC's assessment of the landscape and visual amenity of the Feltwell Quarry extension proposals. Wilkinson Associates have undertaken an assessment of the Site which concludes that the Quarry is well screened from the Breckland Forest SSSI and SPA and the Breckland Farmland SSSI owing to the presence of established plantation woodland. NCC's treatment of MIN 69 and the Site should be consistent, which they are not at present; the assessment of the Site should be rectified to reflect its suitability within the receiving landscape as it is unjustifiable in ignoring the existing mature planting.

6.25 In terms of impacts upon SSSIs, MIN 40 which relates to land east of Grandcourt Farm, East Winch, located approximately 740m away from the nearest SSSI, East Winch Common. It is noted within the MWLP that the potential exists for impacts from dewatering to impact the wet woodland within the SSSI. However, for this site it has been accepted that this could be addressed at the planning application stage through the submission of an assessment of hydrogeological impacts and mitigation measures.

6.26 In this regard, it is apparent that there is not consistency between the treatment of MIN 40 and Feltwell Quarry. The proposed allocation of MIN 40 has been carried forward taking into account future assessment to allow measures to be approved to mitigate any potential impact upon the SSSI. In respect of Feltwell, and with a lack of consistency, NCC asserted that the allocation of the extensions were not suitable, but accepted that a suitable working scheme for the Site could be put forward.

6.27 The attached ecological assessment provided by Wilkinson Associates demonstrates that mitigation measures can be achieved for the Site. It is irrational for the extensions to Feltwell Quarry to be rejected and the plan is thus unsound. This is explained further in the section on 'Soundness' below.

<u>Timescales</u>

6.28 In examining the sites put forward for allocation within the MWLP we have taken note of the anticipated lifespan of the sites which have been proposed for allocation (as described above). Having taken into consideration the proposed start dates and anticipated lifespan of the developments it is notable that there will be a slight reduction in mineral production towards the middle of the plan period. This is because virtually all of the proposed allocations are planned to commence towards the start of the plan period (2022-2025). This means that as the shorter life developments end, overall mineral production will decline as only one site (MIN 208) is planned to commence later within the plan period.

6.29 If the Feltwell extensions were to be allocated within the MWLP this would help to bridge a gap within the centre of the plan period following the cessation of extraction from the shorter-lived sites prior to the commencement of further extraction later within the plan period. The proposed extensions to

Feltwell would represent a mid-range in terms of lifespan, operating for approximately 11 years from a start date of 2024 when mineral extraction would cease within the existing quarry.

Mineral Production Shortfall

6.30 With regard to mineral production, the MWLP makes provision for 1,506,000tpa of sand and gravel production over the plan period. This demand figure is based upon sales during the period 2011 to 2020 plus an allowance of 10% in order to account for increased mineral demand during the three year period between 2018 and 2020. It is, however, recognised within the industry as a whole, that there is an ongoing decline in permitted aggregate reserves nationally.

6.31 The Mineral Products Association (MPA) recently published a report titled Aggregates Demand and Supply in Great Britain: Scenarios for 2035. Within the report the MPA note that the decline in permitted reserves for primary aggregates urgently needs to be addressed within the next 15 years. Demand projections suggest that, by 2035, some 277 to 323 million tonnes of aggregates will need to be supplied each year. This means that between 3.8 and 4.1 billion tonnes of aggregates will be required between 2022 and 2035, compared with a total of 3.2 billion tonnes of aggregates supplied in the previous period, between 2008 and 2021.

6.32 In Britain as a whole for the past decade, for every 100 tonnes of sand and gravel produced from permitted reserves, only 63 tonnes have been replaced through new planning permissions.

6.33 Whilst there is an element of uncertainty within the MPA forecasts due to future changes in economic output and changes in industry practices which may impact the demand for aggregate, it is still predicted that aggregate demand will increase over the next 15 years. This is based on the general resilience of the construction industry to recent economic uncertainty and government investment in upcoming infrastructure projects.

7. Assessment of Soundness

7.1 For the MWLP to be carried forward for adoption it must be considered to be fully sound. The concept of 'soundness' is not defined in legislation. However, section 19(2) of the Planning and Compulsory Purchase Act 2004 provides that in preparing the development plan, the local planning authority must have regard to (inter alia) national policies issued by the Secretary of State. They would include the NPPF of July 2021.

7.2 Soundness is defined at paragraph 35 of the NPPF, which states that plans are sound if they are:

a) *"**Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
b) ***Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
c) ***Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
d) ***Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant."*

7.3 It is considered that the dismissal of the proposed extensions to Feltwell Quarry means that the MWLP fails to meet the test of soundness for a number of reasons which I have set out under the NPPF headings below.

Positively Prepared

7.4 As stated previously, when considering the geographic distribution of allocated sites within the MWLP it is clearly evident that there is a lack of sites put forward for allocation within south Norfolk. Historically, aggregate demand within south Norfolk was met by a combination of aggregate produced from Feltwell, Lynford and Cranwich quarries. Since the completion of mineral extraction from Lynford and Cranwich, only Feltwell remains to serve this area. Without the allocation of extensions to Feltwell Quarry this site will also cease mineral production in the near future, leaving the aggregate needs of south Norfolk unmet by local production. As a result, in future, aggregate demand within south Norfolk will need to be met from more distant sites which is a far less sustainable option than supplying aggregates locally, and therefore not consistent with the overarching objectives of the NPPF.

Justified

7.5 The Preferred Options Consultation Document cites the proximity of Feltwell to the Breckland Forest SSSI and the location of the Site within the protection zone for Stone Curlew as the primary reason for non-inclusion within the MWLP. The ecological assessment of the Site produced by Wilkinson Associates has demonstrated that the Site itself is of low intrinsic ecological value and due to the small size of the proposed extensions and their enclosure by woodland plantations, they are likely to be unsuitable for nesting by Stone Curlew. In addition, no Stone Curlew were observed during ecological surveys.

7.6 As a consequence, there is no substantiated evidence that temporary use of this land for the proposed mineral extraction and restoration operations is likely to be detrimental to Stone Curlew populations. Anecdotal evidence provided within the ecological assessment from another quarry in proximity to the SPA also demonstrates that Stone Curlew are not adversely disturbed by quarry operations.

7.7 Focusing more specifically upon the Breckland SPA and the Breckland Forest SSSI, the existing Quarry has operated within the area for a significant number of years. The proposed extensions are located further from the Breckland Forest SSSI than the existing Quarry and are afforded significant screening from the wider surrounds by established plantation woodland and hedgerows to all perimeters. The issues of effects on visual amenity and potential ecological effects both need to be considered.

7.8 It is clearly evident within the MWLP that visual screening through established planting is deemed to be acceptable mitigation when allocating sites suitable for sand and gravel extraction. In the assessment of MIN 69 it has been accepted that the site will not impact visually upon the Norfolk Coast AONB due to the screening of the site from public view. This is in spite of the fact that the site itself is located within the confines of the AONB.

7.9 Similarly, in terms of potential effects on ecology, NCC has accepted MIN 40 for allocation despite the potential for dewatering to impact the wet woodland within the East Winch Common SSSI, located approximately 740m away from the site. It is accepted that at the planning application stage an assessment of the potential for negative consequences can be mitigated by scheme design. The same approach should be taken to the Site at Feltwell.

7.10 In light of the above, it is considered that the grounds for non-inclusion of the proposed extensions to Feltwell Quarry are unjustified and moreover the evidence provided within this submission demonstrates that the Site can be allocated without detrimental impacts upon the Breckland SPA, Breckland Forest SSSI and Stone Curlew.

Consistency with National Policy

7.11 With regard to national policy it is considered that the dismissal of Feltwell Quarry from the MWLP is not consistent with national policy. Feltwell Quarry is an established minerals and waste development site which has been in operation for a significant number of years and the proposed extensions would allow the continuation of the supply of aggregates from the Site to support the local economy and construction industry. This will also preserve skilled employment at the Site. Without the allocation of the extensions within the MWLP the mineral reserve at the existing Quarry will shortly be exhausted and the Site will close following the completion of restoration operations. This will result in the loss of mineral provision to the local area, meaning that it will need to be imported from further away with the consequential increase in HGV movements, increased traffic on the highway network, increased carbon miles and emissions to air. This represents a significantly less sustainable option when compared to a continuation of an established mineral site to serve south Norfolk.

7.12 Given the established and continuing operations at the Site, the proposed extensions represent an effective use of land, making use of the existing site facilities and it is well recognised that extensions of existing quarries are a more sustainable alternative than initiating a new mineral development elsewhere. In addition, in the long term, following any necessary mitigation measures during operations, the restoration of the Site would allow for biodiversity net gains to be provided to the area which would be complementary to the nearby SSSI and SPA, enhancing the Site from its present low value condition.

7.13 Finally, as mentioned previously, historical mineral demand within south Norfolk was met by aggregates produced at Feltwell, Lynford and Cranwich quarries. With the cessation of mineral extraction from Feltwell, no primary aggregates will be produced within this part of the County from the end of 2023, based upon the predicted remaining life of the Site. The cessation of mineral extraction will mean that there will be no primary aggregate production within this part of Norfolk and aggregate demand within the locality will need to be met from more distant sites, resulting in an increase in HGV road miles and associated carbon emissions which is at odds with the principle of sustainable development as defined within the NPPF.

8. Conclusion

8.1 In light of the evidence provided it is clear that the MWLP which is presented for adoption lacks soundness due to a number of factors. Ecological assessment of the proposed extensions to Feltwell Quarry demonstrates that the Site is not suitable for nesting by Stone Curlew owing to the size of the Site and the perimeter plantation woodland which provides excellent screening from the nearby SSSI and SPA. The allocation of the proposed extensions will not result in any adverse impacts upon the SSSI or SPA nor Stone Curlew populations. In preparing the MWLP NCC has reached similar conclusions elsewhere, allowing the allocation of sites where screening is deemed to be appropriate grounds for allocation of a site within an AONB and where impacts upon a SSSI are not clear.

8.2 Geographical distribution is also an important factor to consider and without the allocation of extensions to Feltwell Quarry, there will be a lack of primary aggregate production within south Norfolk,

with historical sites not replaced within the new plan and the spatial distribution of sites located further north within the County and in proximity to Norwich.

8.3 It is considered, therefore, that the proposed extensions to Feltwell Quarry should be carried forward into the new MWLP and failing to do so would mean that the MWLP is unsound with resulting detriment to aggregate supply within south Norfolk. For this reason, we ask that Feltwell is included in the MWLP.

Yours sincerely,

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CONSULTANT