

# Heatons

Planning Environment Design

Planning Services,  
CES Department,  
Norfolk County Council,  
County Hall,  
Martineau Lane,  
Norwich,  
NR1 2DH

**Our Ref:** LON-007-P/GI  
**Your Ref:**  
**Date:** 16<sup>th</sup> December 2022

Sent by email only to: [LDF@norfolk.gov.uk](mailto:LDF@norfolk.gov.uk)

Dear Sir/Madam,

## **NORFOLK MINERALS AND WASTE LOCAL PLAN PUBLICATION VERSION - REPRESENTATIONS ON BEHALF OF LONGWATER GRAVEL COMPANY LTD**

### Introduction

We are making representations to the above consultation on behalf of our client, Longwater Gravel Company Ltd. ('Longwater'). Longwater is a mineral operator with sand and gravel quarries and minerals and waste processing plants with the Minerals and Waste Local Plan (MWLP) area. These representations are being submitted to ensure adequate flexibility is provided within the emerging Minerals and Waste Local Plan policies concerning the provision of aggregate supply.

On a procedural point, the Norfolk Minerals and Waste Local Plan has, as part of this consultation, been further extended by a 2 year period. Firstly, to take account of delay in Plan preparation as a result of the pandemic but also to ensure the Plan covers a 15 year period to comply with national guidance. Notwithstanding opportunities for review of the Plan (as a minimum every 5 years) to ensure that policies are effective and remain relevant and up to date, Longwater considers that this extension of time should have been subject to consultation earlier than Publication stage where the Plan is effectively considered sound. Industry were asked back in 2017 to propose sites for consideration within the emerging Plan as site specific allocations based on an end date of 2036. The two-year delay in adopting the emerging plan along with the change in end date will leave a supply gap at the end of the Plan period which industry have not been asked to comment on or the offered opportunity to promote additional sites that could be considered suitable for allocation.

As a result of the above, Longwater is seeking amendments to the general aggregate supply

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policy to ensure there is sufficient flexibility to enable suitable sites to come forward subject to certain policy criteria.

### Minerals Specific Policies

The NPPF sets out different requirements for maintaining supply depending on the type of minerals and their end uses. For aggregate minerals which are used in building and construction, supply is maintained country-wide through the managed aggregate supply system (MASS) and through the maintenance of landbanks of permitted reserves.

Minerals can only be extracted where they naturally occur and, therefore, any strategy for planning the location of mineral development is constrained by the geographical distribution of mineral resources within the Plan area. In broad strategic terms, as depicted on the Key Diagram, this means that sand and gravel will largely be extracted in the central, northern and eastern parts of the Plan area, Carstone in the western parts and silica sand in the central / western parts of the plan area.

The strategic locational strategy is further influenced by the different requirements for maintaining supply depending on the type of minerals and their end uses. As set out above, aggregate supply is maintained through the managed aggregates supply system (MASS). Mineral Planning Authorities (MPAs) are required to make provision in their local plans to ensure the supply of aggregates over the Plan period i.e. to 2038. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate.

Paragraph 213 (f) of the NPPF requires MPAs to maintain a landbank of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials are not compromised. The footnote to part f) states that 'longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites'.

As set out in Planning Practice Guidance (PPG), an adequate or excess landbank is not a reason for withholding planning permission unless there are other planning objections which are not outweighed by planning benefits. Valid reasons for bringing forward an application of minerals development in an area where there exists an adequate landbank include:

- significant future increases in demand that can be forecast with reasonable certainty;
- the location of the consented reserve is inappropriately located relative to the main market areas;
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; or
- known constraints on the availability of consented reserves that might limit output over the plan period.

**Policy MP1: Provision for minerals extraction – STRATEGIC POLICY (text copied below)**

*The strategy for minerals extraction is to allocate sufficient sites to meet the forecast need for both sand & gravel and hard rock (carstone). For sand and gravel, specific sites to deliver at least 12.597 million tonnes (mt) of resources will be allocated. The sand and gravel landbank will be maintained at a level of at least 7 years' supply (excluding any contribution from borrow pits for major construction projects).*

*Mineral extraction for sand and gravel outside of allocated sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:*

- a) There is an overriding justification and/or overriding benefit for the proposed extraction, and*
- b) The proposal is consistent with all other relevant policies set out in the Development Plan.*

*There is not a forecast shortfall in permitted reserves for Carstone during the Plan period. However, a site for carstone will be allocated to provide flexibility to meet any future increase in demand for carstone. The landbank for carstone will be maintained at a level of at least 10 years' supply.*

*For silica sand, sufficient sites to deliver at least 10.34 million tonnes of silica sand resources will be required during the Plan period. The landbank for silica sand will be maintained at a level of at least 10 years' supply where practicable. Planning applications for silica sand extraction located outside of allocated sites, which would address the shortfall in permitted reserves, will be determined on their own merits in accordance with the policies in this Local Plan, including the requirements contained within Policy MPSS1.*

As identified above, there is concern that sites (including proposed allocations) will be worked out towards the end of the Plan period. The current policy wording seeks to 'resist' applications for development outside of those specifically allocated. That approach could result in sustainable extensions, appropriately located resource and application seeking to ensure continuity in production/of certain types of resource being contrary to policy. This approach does not provide a positive framework for new applications coming forward and provides uncertainty to operators in submitting Planning Applications that would be contrary to the adopted Plan.

Policy MP1 identifies a need for at least 12.597 mt of sand and gravel to be allocated over the emerging Plan period (shortfall in the forecast need minus permitted reserve). 16 sites have been allocated, including sites MIN 51, MIN 13 and MIN 08 at Beetley and MIN 64 at Horstead. Planning permission has been granted for MIN 64 (FUL/2020/0045) and the permission has been implemented. Condition 2 of that permission allows for mineral working for 15 years from commencement of the development. This will result in the exhaustion of reserves at Horstead within the Plan period.

The emerging Plan identifies a resource of 1,830,000 tonnes of sand and gravel collectively within the Beetley site allocations, and a resource of 1,480,000 tonnes available during the Plan period (up to 2038).

In both cases (Beetley and Horstead) it is assumed that the sites will operate in accordance with current demand and makes no assessment/forecast of need for upturns in production/supply.

Our client has submitted a planning application (FUL/2022/0021) to work sites MIN 51, MIN 13 and MIN 08 which, cumulatively, provide ca. 1,550,000 tonnes of mineral, ca. 300,000 tonnes below the estimated total resource. There is a possibility that the overall tonnage may be reduced further as a result of statutory consultation and minor amendments to the working scheme. There is an unidentified shortfall between estimated mineral resources and permitted mineral reserve within sites MIN 51, MIN 13 and MIN 08. This is likely to occur within other sites allocated under policy MP1. In addition, sites that obtain planning permission may be exhausted before the end of the Plan period. As is the case with the current adopted Plan, there is the prospect at sites may not come forward as applications and that poses a threat to overall supply within the Plan. Therefore, it is important to ensure that adequate flexibility is built into the strategic policies for minerals provision over the Plan period.

We suggest the following amendments to policy MP1:

*The strategy for minerals extraction is to allocate sufficient sites to meet the forecast need for both sand & gravel and hard rock (carstone). For sand and gravel, specific sites to deliver at least 12.597 million tonnes of resources will be allocated. The sand and gravel landbank will be maintained at a level of at least 7 years' supply (excluding any contribution from borrow pits for major construction projects).*

*Mineral extraction for sand and gravel outside of allocated sites will be ~~resisted~~ supported by the Mineral Planning Authority ~~unless~~ where the applicant can demonstrate:*

- a) There is an overriding justification and/or overriding benefit for the proposed extraction; ~~and~~*
- a) proposals are justified in that location taking into account the need for the specific mineral;*
- b) is an extension to an existing permitted aggregate site that is required to maintain production from that site or is needed to meet an identified shortfall in the landbank;*
- c) proposals enable the continued use of existing appropriately located and designed quarry plant and infrastructure;*
- d) is for a new quarry that is required to replace an existing permitted site that is nearing exhaustion where it has been demonstrated that there are no potential extensions to that site or that remaining sites cannot maintain the required level of provision;*
- e) proposals protect and/or provide additional local employment and support local businesses and economic prosperity;*
- f) The proposal is consistent with all other relevant policies set out in the Development Plan.*

*There is not a forecast shortfall in permitted reserves for Carstone during the Plan period. However, a site for carstone will be allocated to provide flexibility to meet any future*

*increase in demand for carstone. The landbank for carstone will be maintained at a level of at least 10 years' supply.*

*For silica sand, sufficient sites to deliver at least 10.34 million tonnes of silica sand resources will be required during the Plan period. The landbank for silica sand will be maintained at a level of at least 10 years' supply where practicable. Planning applications for silica sand extraction located outside of allocated sites, which would address the shortfall in permitted reserves, will be determined on their own merits in accordance with the policies in this Local Plan, including the requirements contained within Policy MPSS1.*

These amendments are considered to provide greater flexibility which is necessary to safeguard the provision of sand and gravel within Norfolk over the emerging plan period due to potential shortfalls/discrepancies in estimated figures. Furthermore, these amendments support potential extensions to existing sites that might be brought forward over the plan period. Extensions to existing sites are considered to be, on balance, often more economically and environmentally sustainable due to the following factors:

- existing plant and infrastructure is in place which reduces start-up costs;
- existing jobs are retained;
- opportunity for a strategic approach to restoration; and
- continuation of existing operations which limits any cumulative impacts.

We trust these representations are helpful to the MPA in preparing the emerging Minerals and Waste Local Plan for Norfolk. Should you wish to discuss any of the matters raised in more detail please do not hesitate to contact us.

Yours faithfully,

Georgina Illsley  
**Heatons**