

## Part B – Please use a separate sheet for each representation

3. To which part of the Local Plan does this representation relate?

Paragraph

See text

Policy

Policies Map

4. Do you consider the Local Plan is:

Please tick as appropriate

4 (i) Legally Compliant

Yes

☐

No

☒

4 (ii) Sound\*

Yes

☐

No

☒

4 (iii) Complies with the Duty to co-operate

Yes

☐

No

☒

\*If you have entered No to 4 (ii), please continue to 5. In all other circumstances, please go to question 6.

5. Do you consider the Local Plan is unsound because it is not...:

(i) Justified

☐

(ii) Effective

☒

(iii) Positively prepared

☒

(iv) Consistent with National Policy

☒

6. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments

ALL Comments are directed to the Silica Sand Site Selection Process

B. PUBLIC REPRESENTATION

SEE TEXT

(Continue on a separate sheet if necessary)

## Public Representation in AOS E - 2A

These comments are **limited to the Single-issue Silica Sand Site Selection process**. It is of considerable concern when the NMW Local Plan policies accommodate a clear avoidance of the public interest.

### National Planning Policy Framework

The National Planning Policy Framework, 2012, paragraph 9 states, *“Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

Paragraph 16(c) states, *“Plans should be shaped by early proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.”* Note that communities are the first stipulated partner.

Paragraph 39 states, *“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.”*

In addition to statutory planning consultees, paragraph 42 adds, *“The participation of other consenting bodies in pre-application discussions should enable early consideration of all fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage.”*

### Background

The first rendition of the Silica Sand Review was subject to two 6-week direct consultation periods with the statutory and general consultees, in April-May 2015 and in November-December 2015. NMWLP documents were published to discuss the consultants' views. A process of revising the boundaries of areas of search to address significant constraints, led to the removal of AOS B, AOS C, AOS G, and AOS H which were considered undeliverable as a result. The Pre-submission version of the Silica Sand review were subject to a representation period between May 16 and June 27, 2016, but it failed to attract many public comments other than for AOS A in Snettisham, Ingoldisthorpe, and Dersingham, which was subsequently dropped. SIL 01 was also dropped because of its close proximity to RAF Marham. Modifications were made to the Plan including the addition of four AOS sites. The Revised NMWLP was published, and then sent for review by the Minister of State, represented by the Planning Inspectorate. The document received a “sound” and “legally compliant” certification. At this stage, little public attention had been drawn to a major regulatory development process, then 6-7 years in development

### **NMWLP Public Representation Practices in Mineral Planning:**

It is important to consider the public representative practices involved in the NMWLP silica sand proposals. The principal representation was afforded by “Consultees” that did not involve the public. Remarkably, this involved 451 separate institutional bodies and individuals, comprising 8 Norfolk local planning authorities; 9 local planning authorities joining Norfolk; 29 relevant English minerals and waste planning authorities; 100 Norfolk parish/town councils; 32 parish/town councils adjoining Norfolk, 9 specific consultation bodies in Cambridgeshire, and 1 in Lincolnshire; 36 other specific consultation bodies (including many of the statutory consultees); 58 general consultation bodies, including the Ramblers Association and Sustrans; 30 mineral operators; 55 land agents and consultants; and 84 county councillors. Only these “consultees” received direct communications from N.C.C. and were then afforded the opportunity to engage at length on matters of concern, including the submission of systematically-organised evidence with the “right” of a detailed published reply. I suspect no one would design so complex a process this way if there was a choice

The only members of the public across the County that were ‘consulted’ directly (via a notification letter) were 642 residents living within 250m of a proposed or putative mineral extraction site/area; the adjacent communities were ignored. The 250m distance apparently reflected the distance at which noise and dust nuisance were usually considered ameliorated – it had nothing to do with recreational use.

This structure was consistent with the administration proposed in the NPPF, with the exception that the public were relegated to a far less functional and markedly delayed inquiry, that was treated with very different criteria including the obfuscation of evidence and including selective suppression of data. This will no doubt be denied, but the evidence is incontrovertible.

### **When is a “Consultation” a Consultation?**

The public were confined to two belated “consultation” (really commentary) periods of 6-weeks when they were indirectly asked for comments. **The notification of the public was very poor**, if compliant with the Norfolk Statement of Community Involvement, 2012, (SCI), as modified. In the initial consultation, a substantial proportion of AOS E respondents complained that they had only heard of this proposal shortly before the deadline and had to hurry to put something together. N.C.C. then extended the deadline, but strangely only for residents of two of the four involved villages. The call for letters is not a consultation in any meaning of the word. The Oxford Dictionary defines a consultation as “*the act of discussing something with someone or with a group of people before making a decision about it.*” For a consultation to occur, there has to be the opportunity to contribute systematically organised data and include the opportunity for debate. At least the Initial “Consultation” public responses were published together with MHA responses. This was the first inkling that questions were often just disregarded or gamed with a less than frank answer. Publication of the the Preferred Options Consultations were delayed for three years until close to the end of the process and specific MHA responses are absent.



In the Initial Options sequence, there were several responses that mentioned the great variety of users of Shouldham Warren. I will just quote one, as they all received the same standard and disingenuous reply. The letter had stated, *"The threat to recreational activities: not only is the Warren used by many villagers on a daily basis, people come from all over to walk, bird watch, horse ride and cycle. There are also many clubs/organisations that use it to enhance their lives. Would this be hindered in any way?"*

This was answered by, **"The area of search includes Shouldham Warren. It is noted that public access is permitted in Shouldham Warren and it is used by many local residents for recreation. There is legislation (s.261 of the Town and Country Planning Act 1990) to allow the temporary diversion or stopping up of a Public Right of way for mineral extraction. Any future planning application for mineral extraction would need to address the location of existing footpaths and public access. There have been multiple examples of mineral extraction sites in Norfolk, where similar issues regarding PROWs have been successfully addressed."** This answer disregards responsibilities for early involvement of the public in such matters according to the Rights of Way Circular (1/09) s 7.4 to 7.7. The reply avoids consideration of the multiplicity of recreational uses of the 372-hectare open-access Shouldham Warren site. It solely relates to the current registered PROW on Shouldham Warren. The County has a duty to keep the definitive map in continuous review, and therefore never more so than when major Local Plans are under consideration (see below). This provided the first evidence of the MHA reluctance to consider the nature of rural public recreational areas

### **Publicity for Public Involvement**

It was very clear that the public announcement of the Local Plan was markedly unfit for purpose, but the deficient protocol remains unaltered. This was the subject on many public comments. This de facto suppression of public responses has to be interpreted as deliberate; the only satisfactory mechanism short of contacting all voters/rate payers is to institute an **obligatory requirement for N.C.C.-led village meetings** (perhaps for villages <3km from putative sites) to facilitate public familiarity with the local and regional effects of major planning decisions. This is recommended in the Norfolk DCI, and requested in several public comments, but has always been disregarded by N.C.C. The public's right to know appears to have been gamed. Where regional interests are involved, much wider dissemination of some kind is required.

The second Preferred Options consultation was particularly notable for the local and regional attention self-generated regarding the adjacent sites, SIL 02 and AOS E, principally organized by CATTS, the Campaign for Two Silica Sand Sites, based in Shouldham. A colossal 3,222 public responses were submitted for AOS E and 1,255 for SIL 02, a total of 4,477 public responses over the two closely-related sites. It took 3 years for N.C.C. to post these comments on their silica sand website (where they are organized in random folders with no practical way to search them, and (unlike the submissions from the formal consultees) no NMW officer comments were ever attached. By this time, we are at 5 minutes to midnight in a 12-year process. Amongst the most interesting letters submitted were those from CATSS, Liz Brewer, and Svetlana Ignatieva. It is said in the NMWLP, 2022, that the public responses have been considered, but no evidence has

been submitted that shows this has occurred. Let us see how the collected responses from all sources have been handled?

### **Differential Management of “Consultations”**

All “consultations” were assembled in a 291-page document, NMWLP Statement of Consultation, May 2022 which was filed in the LP submission file, without direction elsewhere among the cumulative project files as to its existence or venue. The entire Plan files have not been assembled with public access in mind. It therefore required a specific intention to read the lot to gain any sense of the structure of 12 years of activity.

Altogether, the comments are collected into 451 official “consultations.” Comments were abstracted and often “combined” with a number of consultees married together, with a brief summation of substantive issues, presented in a format in which it was very difficult to evaluate the quality of the process. The individual lists were invariably headed by official ‘consultees’ with public contributions apparently reduced to a subsidiary role. This structure may have been helpful in organising the extensive file, but it had the effect of the egregious under-representation of the public contributions. I can only realistically contribute my own experience which will be discussed below, and it will show that some uncomfortable facts were entirely disregarded by the MHA and others were met with misleading statements.

Detailed issues could not be represented by the abbreviated (effective) bullet points selected. There is a strong case to be made for the full NMW Officer response to each representation to be reproduced in consort with the respective full submission in an entirely separate file, as was undertaken for the Initial Options consultation. This was required of the process, but was avoided in the Preferred Options sequence, for unexplained reasons. The May 2022 Statement of Consultation document is a useful summary, but as process integrity has to be seen to be done, the sole presentation of the institutional response to the Preferred Options in this tabulated format **inhibits any assessment of this data, which must therefore remain suspect.** The County Council is knowledgeable about the nature of data and must face full responsibility for this serious epistemological misconduct. These MHA actions are **neither sound nor legally compliant.**

The Statement of Communication document, May 2022, reported 829 action items. The majority reported multiple factors of advice or dispute as summary statements. How these brief statements had been assembled by the NMW Officers represents appreciable unknown variables. Choices have been made for purposes of brevity. I am aware of important but “inconvenient” facts that have quite deliberately been omitted. It is impossible to know how great a problem this has been given the opaqueness of the adopted reporting procedures. However, it was obvious that “consultees” generally were given greater due diligence than virtually any of the 4,500 public “respondee” for AOS E and SIL 02. The major consultees usually were afforded their own representation, and commonly involved points of clarity regarding their area of expertise. But, there were many multiple summaries, largely involving “second-line consultees” and it was the



practice for the numbers representing public comments to be added on at the end. Without there being comprehensive, institutional comments on the content of each submission (in a separate File as had been used with the Initial Consultation), there is no opportunity afforded to assess the integrity and validity of this reporting process.

Of the 829 action items identified by the MHA and presented in a summary and aggregated format, 671 were placed in a “*No Action Required*” basket. This very high number reflected a large variety of subjects, but which were nullified by the MHA decision to abandon all the silica sand extraction site candidates, and the normal cull elsewhere of potential non-safeguarded mineral sites. There is an important procedural matter here in that a considerable amount of work from external collaborative institutions and individuals has been largely wasted, through no fault of their own, by the N.C.C. failure to select silica sand extraction sites and the consequent policy change proposal to remove minerals applications away from the current NPPF-informed structure and the abandonment of the current silica sand extraction site selection process. In view of this irregularity, it is suggested that **all consultations be retained for a 25-year period**, and not destroyed in the relative short term as permitted under the NMWLP 2022.

The action items that went into the “*Action Required*” basket numbered 158. If we analyse this group, we find that only 3 of the total public comments selected from all minerals (but not waste) programs (including the 4,477 submitted for the Preferred Options silica sand cycle) were represented by an action item of their own. They comprised a submission on a Poors Charity landholding, an incinerator, and a sustainability comment based on EU Human Rights Law. Every other public submission was relegated to a subordinated role in which it was entirely impossible to determine how they had been individually represented, if at all. Justice has to be seen to be done, but a quite different process has accommodated public representation in the Norfolk Minerals and Waste Local Plan 2021-2038 than was used for all other interested parties, which was unfit for purpose.

To provide some insight into the process, the top 15 primary authors of “*Action Required*” items (with total ) were: Historic England (23); the Broads Authority (22); Environmental Agency (21); Anglia Water Service (11); Norfolk Wildlife Trust (8); Natural England (7); NCC Historic Environment Service (7); South Norfolk and Broadland DCs (6); Essex County Council (6); Norfolk Highway Authority (5); Minerals Product Association (5); Breedon Group (ex-Cemex) (5); Heaton Planning Ltd/Brett Group (5); Gas Energy/UK Onshore Oil and Gas (4); and West Winch PC (2). The extensive submissions of CATTS, the Campaign Against Two Silica Sand Sites, as the principle public representative body, were abstracted into about a dozen action items, but all found their way into the “*No Action Required*” category, largely because the AOS E and SIL 02 were cancelled, nullifying the contribution. Despite the recognition as the principal public representative body, N.C.C. never met with them, in conflict with the Norfolk Statement of Community Involvement.

### **Avoidance and/or Downplaying of the Legitimate Consideration of Public Issues**

It has been possible to demonstrate that N.C.C. avoided mentioning the intensive recreational public land-use of Shouldham Warren in all 179 Plan documents in the silica sand Plan library between 2010 and 2022, that N.C.C. declined to engage in discussion on this issue, suppressed formal representation of this complaint in the Preferred Options cycle, and then designed an opaque process allegedly designed to consider and respond to several thousand public declarations, principally on the public utility of Shouldham Warren, but in which there has been no objective evidence of any valid response from the MHA. On the question of the long-term public land-use interests in Shouldham Warren, it is more likely than not that the MHA has sought, for some reason of their own, to deliberately ignore the issue over a prolonged period, and involving multiple acts of commission. I submit that the evidence strongly supports the conclusion that these activities of the MHA are **neither sound, nor legally compliant**.

### **The Special Case of Shouldham Warren**

AOS E contained Shouldham Warren, an elevated area of 372 hectares (919 acres) which has provided a unique, safe, wooded, hilly, open access, Forestry Commission environment for a great variety of recreational pursuits for West Norfolk residents for 2-3 generations. It is situated at the Fen Edge, within the River Nar Core River Valley (MP5) (as shown by the NMWLP Revised Policies Maps, December 2017, p. 99) adjacent to the River Nar SSSI and to several monasterial heritage assets. The northern Warren drains into the River Nar. AOS E was situated in the intervillage between four communities, Shouldham, Marham, Wormegay and Shouldham Thorpe. The Warren is also used extensively by a great many citizens in West Norfolk for recreation. Furthermore, Shouldham Warren had been specifically exempted from silica sand safeguarding (MP11) and (together with east Bilney Wood) is shown as a negative lacuna on the Norfolk silica sand safeguarding map; this is not mentioned in the Local Plan archive.

### **Nature of the Public Usage of Shouldham Warren**

The breadth of recreational usage of Shouldham Warren is not included in Plan documents. This includes access by mobility vehicles and prams, picnicking, kite flying, childrens' play, walking, cycling, horse riding and harness driving, dog walking, school trips, birdwatching, running and athletic training, orienteering, photography, by naturalists, and includes regular sports events such as Ryston Harriers, Norfolk Orienteers, Kings Lynn Mountain Bike Club, City of Norwich Athletics Club, Norfolk Athletics Cross Country, and Ramblers walks. The Warren is highly varied, tranquil, safe, large, and with plenty of parking. The environmental, archaeological, and heritage status is considered in Plan documents. The mixed forestry that comprise most of the site has received new emphasis (2021) with the National and County forestry campaigns to plant millions of trees to aid the amelioration of global warming. In Policy MP2 which provided relative protection for "ancient" woodland, the word ancient has recently been deleted by the N.C.C. cabinet to protect woodland in general.

NPPF paragraph 98 reads, *"Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning*



*policies should be based upon robust and up to date assessments of the need for open space, sport and recreation facilities...and opportunities for new provision."*

*Section 99 continues, "Existing open space, sports and recreational buildings and land, including playing fields should not be built upon unless (a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements, or (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location."*

As the recreational jewel of West Norfolk within a badly scarred regional environment with a local road system unsuitable for recreational pursuits, and where no realistic alternatives exist, it is surprising that the proposition of AOS E as a silica sand extraction candidate survived for so long. I believe that the **Shouldham Warren should have been declared off-limits to all development**, including mineral developments, as it provides an absolutely unique and traditional environment for West Norfolk country recreation. Neither should the Warren ever have been under consideration for inclusion on the silica sand safeguarding map as its public utility predated the mineral safeguarding process by 50-60 years; a safeguarded site cannot subsequently be safeguarded for a different purpose. This was **not "justified", "evidence-led", nor "consistent" with national planning policy.**

The true commitment of the Council to consider the public interests of the local residents and regional users in a representative area of search can be gained by examining the N.C.C. cumulative silica sand extraction website with regard to AOS E. About 2 years ago (a timepoint when AOS E was apparently already cancelled, but unrevealed) I read the 179 documents then on the N.C.C. silica sand website that directly informed the process. In no document was it mentioned that Shouldham Warren had been a major public recreational venue for at least 2 generations. A public interest was never mentioned other than as a bland response to Initial Options "consultations," such as the Ramblers statements just being "noted." Indeed, the first mention of recreational use in any official capacity was in the NMWLP Publication document itself in May 2022. I wrote a detailed letter to Mr. Tom McCabe over this issue in May 2020, including the outlining of substantial data, but I received no substantive reply. It certainly was never considered in the Monitoring Framework (section 8 of the Minerals and Waste Core Strategy) and is just not included in the NMWLP Statement of Consultation document, May 2022. The Surveying Authority has, for reasons that are not apparent) clearly sought to avoid the extensive public recreational usage of Shouldham Warren during deliberations over this Local Plan. This **may not be legally uncompliant, but certainly fails all the criteria adduced under soundness.**

### **Norfolk Statement of Community Involvement**

One purpose of this submission is to elucidate the core issue of how the public interests in Shouldham Warren were apparently gamed, recognising that in many other putative extraction sites there will likely be insignificant or minor public issues involved. The Plan was conducted in general accordance with the **Statement of Community Involvement (SCI)**, with the exception



of overlooking Development Management Policy MW1(j) which **exempts** “*public open space, local green space, the definitive Public Rights of Way network and outdoor recreation facilities.*”

The failure to include the public interest as a formal consultee had inappropriate consequences that could have been avoided if there had been an obligation to involve local communities comprehensively and early (NPPF paragraphs 16(c); 25; 39; 93(c); 98; 99; 120(a); 131; 132; and 180(a)). Experience has categorically shown the current schedule to inform the local public is unfit for purpose, and that early village meetings for all village or hamlet communities within 3 km are suggested as an achievable objective. This option is included as a possibility in the core documents, although apparently never been used on silica sand extraction issues. If community rights are to be properly recognised, this would require **appropriate changes in the SCI**, which is a document written for minerals licensing and being tested for the first time in the conduct of the NMWLP, 2022. This has exposed an **additional need for a formal community recreational open-space assessment** in Mineral and Waste site selections. Any regional and local public recreational land-use interests remain without representation in the current SCI. It is crucial to concentrate minds on these matters as the new so-called “*criteria-based policy*” (policy MSS1) provides minimal opportunities for public representation of unresolved or unconsidered public interests, such as public recreational land use.

### **Public Rights of Way**

Further insight into the NMWLP assessment of Shouldham Warren was the refusal to accept detailed historical evidence for 10 old public ways on or adjacent to the Warren, despite the County statutory obligation to continuously keep the Definitive Map under review. NMW advised that they would consider these public ways only when they were officially sanctioned although the evidence was supplied to them. With up to a 20-year backlog accumulated at N.C.C. Legal Orders and Registers over this unfunded mandate, the Warren may have been extensively mined by then. This sense of unreality was brought to the attention of N.C.C. without an effective reply. It is suggested that the **SCI is modified to include the responsibility of the County to fully update PROW in areas proposed for minerals extraction** as part of the adjudication.

### **The new “Criteria-based Policy**

One concern over from the newly-proposed “criteria-based policy” shortcircuiting the NMWLP site assessments directly into the Planning Process is that a new, refashioned minerals application might be afforded lesser oversight than the Local Plan provided. The evidence shows unequivocally that no part of Shouldham Warren should ever be proposed for silica sand extraction. The Warren had been used for 40 years before mineral safeguarding was developed. The site had been exempted from silica sand and carstone safeguarding, and the Warren is a uniquely valuable public resource in a regional landscape already badly scarred by several hundred years of sand mining. It is the hope that Shouldham Warren can be preserved ad infinitum and that Norfolk County Council will formally support this characterisation.

**7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above.** (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

*(Continue on a separate sheet if necessary)*

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will only be at the request of the inspector, based on the matters and issues he/she identifies for examination.**



## Public Representation - 2B

1. The initial task is to convince N.C.C. that public land-use issues must always be respected in silica sand extraction site negotiations in particular, and in mineral and waste site negotiations in general. It is the law. How can the public interest be totally disregarded in a major Local Plan? This fails to pass the notions of "*legal compliance*" and of administrative "**soundness.**"
2. The main problem with public representation involves the failure to recognize the long-term public recreational land-use interest in Shouldham Warren, part of AOS E.
3. Of particular concern is the NPPF, 2012, admonitions in paragraphs 16(C) for early engagement with communities so that public issues do not present late surprises, and in paragraph 39 for full exposition and discussion of problems.
4. This is a substantial planning exercise with low tens of thousands of pages in the silica sand extraction site programme library. It is a difficult task to identify all the changes that would be required to fully accommodate the changes necessary to give proper recognition to public recreational land use. I will attempt to provide some proposed textual changes, but NMW Officers are much more appropriate.
5. The foundation documents that will require change include the Norfolk Statement of Community Involvement, the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (DPD), and the Norfolk Minerals Site Specific Allocations DPD.
6. The main document that led to the paucity of public land-use accountability was the Norfolk Statements of Community Involvement (DCI), 2012/ 2018/2022. The newly updated version will be used to probe the continuing deficiencies with regard to this matter, with suggested wording, as requested.
7. In a scarred countryside of small, scattered villages, may I suggest that the local communities are not being served adequately by the stand-off regulations with regard to their public interests, Under s 1.2: Who We Will Involve - I suggest *"Villages and towns within 3 km of the boundary of a proposed silica sand extraction site or AOS will be offered a community meeting with NMW Officers to amplify the proposal, and will later have an opportunity for submission of comments and documentation."*
8. Under s. 2.1.5.1: Validation - Replace the bullet 'Direct Neighbour Notification.' The statement "immediately abuts the application boundary" is interpreted to mean within 250 yards. This has proved entirely inadequate with AOS E, for example. (1) I suggest a 500m span. (2) As a separate sentence in this section, I suggest, "All

*villages and towns within 3 km of a proposed silica extraction site or AOS will be consulted by village meeting with Plan Officers. Subsequently, an opportunity to submit comments will be presented."*

9. Under s. 2.1.5.4: Initial Consultation period - After the short paragraph on Public Service infrastructure, add, a new paragraph, *"Villages and towns within 3 km of a site will be offered a community meeting with NMW Officers."*
10. Under s. 2.1.6.1: Availability of Documents - At the beginning of the second paragraph, suggest replacing the first sentence starting with, "Please note..." with *"A formal N.C.C response to all submitted consultation statements will be submitted on the website, for simultaneous viewing."*
11. Under s. 3.1: Minerals and Waste Local Plan - For the third bullet, Public Examination Stage (Regulation 24), modify to reflect the additional requirement to consult communities within 3 km of a proposed silica sand site or AOS with a community meeting.
12. Under s. 3.1.1.3: How you can be involved – suggest adding, *"Communities with public recreation areas within selected sites or AOS, or their offsets, will be offered a direct consultation at a community meeting with N.C.C. MW officers, with additional opportunities to submit comments and documentary evidence."*
13. Under s. 3.2.2: Supplementary Planning Documents (SPDs) - Add a statement after the words, "...Regulations takes place" with regard to a SPD describing the changes to assure accountability over public recreational land-use, and particularly on Forestry Commission Land."
14. Under s. 3.4.1: Consultation and Notifications, what we will do - There is no legal requirement to consult with individuals and organisations suggesting changes, but that does not mean it would not be good policy. May I suggest that exceptions be made for organisations and individuals making specific suggestions? On matters such as a systematic failure of N.C.C. support for public interests, it would seem inappropriate to deny such an opportunity .
15. In Appendix 1, under "Other Consultation Bodies". add *"Communities within 3 km of a silica sand site or AOS."*
16. *Additional Page, entitled Extracts of Norfolk Minerals and Waste Local Plan*  
Below the middle of the page is the statement. "There is no requirement for another Mineral Planning Authority to plan to help meet Norfolk's demand for silica sand as the feedstock for the processing plant at Leziate." There is no reference to support this statement. Indeed. another County MCA consultee wrote a recorded



consultation letter in which she had apparently offered (or requested information of) collaboration, but had heard nothing, to receive a curt reply that this would be unnecessary. An important consideration to the public is whether this is a fixed obligation irrespective of the contemporary realities of a difficult local supply chain?

17. Mineral Specific Policy MPSS1.2: on the 7<sup>th</sup> line, after "Open Access Land", add "*and appropriate Forestry Commission Land*," for clarity. The word "appropriate" is deliberate as it permits interpretation.
18. Policy MPSS1 – Strategic Policy: Add the statement, "*The possibility of unrecorded or under-recorded public rights of way on the site must be investigated.*" Before the statement beginning, "Submission of a suitable scheme for the temporary diversion and re-instatement of any Public Rights of Way located within the site."
19. Policy MW2: Development Management Criteria – Under s. (i) Public Open Spaces, suggest adding at the end, "including appropriate well-used, open-access, Forestry Commission land."
20. Local "Amenity": this term is used frequently throughout the detailed planning documents, e.g Policy M.51.1: Amenity. It is used in these documents almost exclusively to mean the amenity of the land within the village boundaries, whereas this restriction is not supported in the National Planning Policy Framework. Amenity should also include the local landforms provided for recreational pursuits and other open-access areas. May I suggest this important change? It would also be useful in the Sustainability Appraisals and Scoping Reports.
21. Under Policy MP2.7: suggest addition at end of paragraph of, "Open access land, including well-used Forestry Commission land, is also protected."
22. Under Policy MP2.11, suggest removal of the word "ancient" from the word "woodland; in concurrence with the decision of Cabinet relayed in the meeting report dated December 10, 2019. A definition of a minimal size of woodland would likely be necessitated, e.g. in MP2.11(b). I suggest it would be appropriate to add the phrase, "and well-used open-access Forestry Commission land." for purposes of clarity.
23. Under Pollution and Local Community Inputs, on page 28 of the NMWLP document, May 2022, s. 6.9: suggest adding the phrase, "*including areas of public recreation.*" to the end of the first sentence.
24. Under Visual and Landscape Character Impacts, pages 30-31 of the NMWLP document, May 2022, s. 6.25: suggest after, "locally designated landscapes of importance,..." add, "*including public rural recreational areas*",..."

25. Under s. 6.26, page 30, In the Safeguarding Local Features bullet, continue "...hedgerows, viewpoints" with "*and public rural recreational areas...*".

26. Under Recreation, page 31 of the NMWLP document, May 2022, s. 8.26 discusses public rights of way (PROW) in the context of the Definitive map. It is acknowledged that many ways are under-registered from the instigation of the Definitive Map as only basic cartography was available in the 1950/60s. The surveying authority has a statutory duty to keep the Definitive map under continuous review, but this is an unfunded mandate and cannot be achieved. There is however the presumptive responsibility to consider the question of whether there might be under-registered or unregistered PROW on the site when the potential for major topographical changes is proposed. Furthermore, a separate diversion order has to be obtained to justify a temporary deviation, although it does not alter the Definitive Map. This section of the NMWLP goes on to state that the restoration must have access at least as good as that existing previously. Under s. 261(1)(b) and (2)(b) of the Town and Country Planning Act, 1990, the highway must be restored "*to a condition not substantially less convenient to the public.*" This is customarily interpreted to mean in length, conditions, and enjoyment. The word "access" in the context of restoration appears misguided.

s. 8.27 could usefully be modified by inserting a sentence after "...means of accessing the countryside." After the end of the first sentence. I suggest adding, "Areas of investigation must be evaluated for under-registered or unregistered public rights of way according to the statutory duty to keep the Definitive Map under continuous review (s.53(2), Wildlife and Countryside Act, 1981).

27. Under s. 6.28, after "other outdoor facilities such as ...", suggest adding, "Commons, country parks, and important rural, public recreation areas" and continuing, "are protected in District,..."

This will not be a comprehensive listing. The added comments principally seek to correct unnecessary weaknesses in the rule making regarding silica sand extraction site selection for public rural recreation areas such as Shouldham Warren and West Bilney Wood. I am not a regulatory draughtsman.

**Ignoring the valid and extensive public land-use interests in Shouldham Warren that had continued for more than 2 generations before the establishment of silica sand safeguarding, and when N.C.C. had exempted the Warren from this regulatory rule-making, is "unjustified", "not evidence-led," is "based on (the absence) of joint working", and is "inconsistent with national planning policy." The avoidance of recognition of the public land-use status of Shouldham Warren in all relevant Local Plan documents over at least a 12-year process, when the facts were fully known, and repeatedly affirmed, is an affront to "legal compliance."**