

13th December 2024

Norfolk County Council
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2DH

Mineral Products Association

1st Floor
297 Euston Road
London NW1 3AD
Tel 0203 978 3400
info@mineralproducts.org
www.mineralproducts.org

Email: LDF@norfolk.gov.uk

Dear Sir/Madam

SCHEDULE OF PROPOSED MAIN MODIFICATIONS TO THE NORFOLK MINERALS AND WASTE LOCAL PLAN

The Mineral Products Association (MPA) is the trade association for the aggregates, asphalt, cement, concrete, dimension stone, lime, mortar and silica sand industries. With the affiliation of British Precast, the British Association of Reinforcement (BAR), Eurobitume, MPA Northern Ireland, MPA Scotland and the British Calcium Carbonate Federation, it has a growing membership of over 530 companies and is the sectoral voice for mineral products. MPA membership is made up of the vast majority of independent SME quarrying companies throughout the UK, as well as the 9 major international and global companies. It covers 100% of UK cement production, 90% of GB aggregates production, 95% of asphalt and over 70% of ready-mixed concrete and precast concrete production. In 2016, the industry supplied £18 billion worth of materials and services to the Economy. It is the largest supplier to the construction industry, which had annual output valued at £169 billion in 2018. Industry production represents the largest materials flow in the UK economy and is also one of the largest manufacturing sectors. For more information visit: www.mineralproducts.org.

Thank you for consulting us on the above document. We have provided comments below which build upon our earlier representations and the discussions and agreements at the Examination in Public. Where we have indicated proposed amendments to the wording, inserts are **in bold and underlined** whereas deletions are ~~struck through~~.

We welcome further engagement on this matter.

Yours faithfully

REDACTED

Nick Horsley
Director of Planning, MPA Wales

Email: REDACTED

Tel: REDACTED

MM01 - Vision, Page 19

Modification

Insert the following text as a new first paragraph: *"The policies within the Norfolk Minerals and Waste Local Plan will seek to deliver the economic, social and environmental objectives of sustainable development; the presumption in favour of sustainable development is set out in section 5 of this Plan."*

Amend the first sentence of the sixth paragraph as follows: *"In line with the proximity principle for waste, (which is for the UK to establish a network of facilities to enable waste to be disposed of and mixed municipal waste to be recovered in one of the nearest appropriate installations, by means of the most appropriate technologies) new waste management facilities will be located in proximity to Norfolk's urban areas and main towns (where the majority of waste is likely to arise) or otherwise located close to the source of the waste or the destination of the recovered waste material."*

Amend the seventh paragraph as follows: *"Minerals developments and waste management facilities will support the local economy, including the rural economy. Opportunities to enhance such features will be supported. All developments will provide a minimum measurable 10% biodiversity net gain and wherever possible contribute to the delivery of the national Nature Recovery Network objectives."*

Amend the last paragraph as follows: *"Mineral development and waste management within Norfolk will be undertaken in ways that minimise and mitigate their contribution to climate change, including reducing methane emissions and reducing carbon emissions to contribute to net zero carbon targets. The movement of minerals and waste will use sustainable transport methods where these are available, including low or zero emission vehicles. Mineral development and waste management facilities will be designed and located to reduce the risk from and adapt to climatic effects, such as flooding."*

Reason

To explicitly refer to sustainable development and to the proximity principle for waste. To include reference to economic benefits to the local and rural economy and to refer to sustainable transport.

Reference to the provision of the minimum measurable 10% biodiversity net gain and Nature Recovery Networks were requested by Natural England in representation 99423.

MPA Comment - Object

It is beyond the role of the planning system to specify which vehicles can and cannot be used to transport minerals. The planning system can promote use, but this could not be enforced.

Amend the wording to read

"Mineral development and waste management within Norfolk will be undertaken in ways that minimise and mitigate their contribution to climate change, including reducing methane emissions and reducing carbon emissions to contribute to net zero carbon targets. The Council will promote the movement of minerals and waste will usinge sustainable transport methods where these are available, including low or zero emission vehicles."

Also, Minerals can only be worked where they are found and as such, unlike waste developments, their locations are constrained by geology

Amend the wording to read

Mineral development and waste management facilities will be designed and, where the geology permits, located to reduce the risk from and adapt to climatic effects, such as flooding."

MM03 - Minerals Strategic Objectives, Page 21

Modification

Amend objective MSO1 as follows:

"To provide a steady and adequate supply of aggregate minerals, by identifying adequate mineral extraction sites within Norfolk sufficient to meet the forecast need, based on the Local Aggregate Assessment; by maintaining a landbank of at least 7 years for sand and gravel and at least 10 years for Carstone; and safeguarding existing extraction sites and infrastructure."

Amend objective MSO2 as follows:

"To provide a steady and adequate supply of industrial minerals by identifying adequate mineral extraction sites within Norfolk and through the inclusion of 'criteria-based' locational policies, sufficient to meet the forecast need; by maintaining a stock of permitted reserves of silica sand of at least 10 years where practicable and safeguarding existing extraction sites and infrastructure."

Amend to the last sentence of objective MSO9 to state:

"The restoration scheme and aftercare will protect and enhance the environment, including landscape improvements, contributing to the delivery of the national Nature Recovery Network objectives and the provision of a minimum measurable 10% biodiversity net gain".

Reason

To include the landbank targets from the NPPF

Reference to the provision of the minimum measurable 10% biodiversity net gain and Nature Recovery Networks were requested by Natural England in representation 99424

MPA Comment - Object

The amendments should reflect the requirements of the NPPF and avoid the use of loose or superfluous wording. For example, the words "where practicable" are not within the NPPF with respect to Industrial sands and the p.

Amend the wording of objective MSO1 to read

*"To provide a steady and adequate supply of aggregate minerals, by identifying adequate mineral extraction sites within Norfolk sufficient to meet the forecast need, based on the Local Aggregate Assessment; by maintaining a landbank of at least 7 years for sand and gravel and at least 10 years for Carstone; and safeguarding **mineral resources and existing and planned** extraction sites and infrastructure."*

Amend the wording of objective MSO2 to read

*"To provide a steady and adequate supply of industrial minerals by identifying adequate mineral extraction sites within Norfolk and through the inclusion of 'criteria-based' locational policies, sufficient to meet the forecast need; by maintaining a stock of permitted reserves of silica sand of at least 10 years **for individual silica sand sites and at least 15 years for silica sand sites where significant new capital is required; where practicable** and safeguarding **mineral resources and existing and planned** extraction sites and infrastructure."*

MM05 - Policy MW1. Development Management Criteria, Page 27

Modification

Amend policy point (h) as follows: *'The appearance, quality and character of the landscape, countryside and visual environment, including intrinsically dark landscapes, and any local features that contribute to its local distinctiveness'*.

Add new text at the end of the existing paragraph on the historic environment policy requirements in the NPPF as follows: *"Subject to the development proposal meeting the NPPF historic environment policy requirements, the preferred mitigation for developments affecting archaeological assets of less than national importance will be through the preservation of the archaeological remains in situ. Where in situ preservation is not justified, adequate provision must be made for excavation and recording including subsequent analysis, publication and archive deposition before or during development."*

Amend the second bullet point as follows: *"providing geodiversity gains, providing a minimum measurable 10% biodiversity net gain and contributing to the delivery of the national Nature Recovery Network objectives"*.

Reason

To include 'intrinsically dark landscapes' as requested by the Broads Authority in representation 99138

To provide additional policy detail on below ground archaeology as requested by Historic England in representation 99224

To include a requirement for providing a minimum measurable biodiversity net gain and refer to Nature Recovery Networks as requested by Natural England in their representation 99425.

MPA Comment - Object

The wording is introducing text which it suggests is part of the historic environment policy requirements in the NPPF. This is not the case, nor does the wording appear in the Planning Practice Guidance.

Amend the proposed additional text to read:

"Subject to the development proposal meeting the NPPF historic environment policy requirements, the preferred mitigation for developments affecting archaeological assets of ~~less than~~ national importance will be through the preservation of the archaeological remains in situ. Where in situ preservation is not justified, adequate provision must be made for excavation and recording including subsequent analysis, publication and archive deposition before or during development."

In addition, unlike mandatory BNG, geodiversity may not always be practicable or possible to include and clearly it needs to be relevant to the surroundings, safe and geologically beneficial.

Amend the second bullet point as follows: *"providing geodiversity gains, **where practicable, geologically relevant and safe to do so**; providing a minimum measurable 10% biodiversity net gain and contributing to the delivery of the national Nature Recovery Network objectives"*

MM07 - Policy MW3. Climate change mitigation and adaptation, Page 39

Modification

Amend requirement (c) as follows:

" demonstrate how the proposed development will minimise and manage energy use (through the submission of an energy, climate change and sustainability statement) and set out how the proposal will make use of renewable energy, including generating the energy used on site from decentralised and renewable or low-carbon sources. Where on-site renewable or low-carbon energy generation is not practicable, evidence must be provided to the County Planning Authority "

Amend point (e) to state: *"take account of potential changes in climate including rising sea levels, larger river flows and coastal erosion;*

Reason

To clarify the need to demonstrate how energy use will be managed and minimised.

As advised by the Environment Agency at the Preferred Options stage to include larger river flows.

MPA Comment - Object

Poor choice of wording. "Demonstrate" suggests a practical demonstration, whereas in reality, the Council will be seeking "a description or details of"

Amend the wording to read:

*" ~~demonstrate~~ **details** how the proposed development will minimise and manage energy use (through the submission of an energy, climate change and sustainability statement)..."*

MM30 - Paragraph MP1.4, Page 68

Modification

Update the data in the paragraph as follows:

"The average sand and gravel production on Norfolk over the last 10 years (2013-2022) was 1.413 million tonnes per annum (tpa). Using the 10-year sales average to forecast the future need for sand and gravel would mean that sites for 4.654 million tonnes of sand and gravel extraction would need to be allocated over the plan period. The 10-year sales average is higher than the 3-year sales average (2020-2022) of 1.39 million tonnes. However, in order to plan for future growth, the 10-year sales average is considered to be slightly too low to use when forecasting future need for a steady and adequate supply of aggregate in Norfolk."

Reason

Factual update to reflect the most recently available published data (from 2022 Local Aggregate Assessment).

MPA Comment - Object

The proposed modification does not appear to accord with the requirements of the NPPF, be align with the LAA and the wording is subjective and therefore not positively prepared. We suggest amending the wording to read.

*"However, in order to plan for future growth, **in accordance with the LAA,** the 10-year sales average is considered to be ~~slightly~~ too low to use when forecasting future need for a steady and adequate supply of aggregate in Norfolk."*

MM33 - Paragraph MP1.7, Pages 68-69

Modification

Update the data in the paragraph as follows:

"In order to plan for future growth, a 10% buffer (0.141 million tpa) has been added to the 10-year average in the calculation of forecast need during the Plan period. Over the 16-year plan period to 2038, using the 10-year average plus 10% 1.554 million tpa, 24.864 million tonnes of sand and gravel resources would be needed in total. Taking into account the existing permitted reserve, the remaining need for allocated sites is 6.91 million tonnes of sand and gravel.

Calculation of forecast need for sand and gravel

- The 10-year sales average for sand and gravel (2013-2022) is 1.413 million tonnes per annum (tpa)
- For flexibility an additional 10% of 0.141 million tpa has been included for each year
- This is a total forecast need of 1.554 million tpa
- The forecast need for sand and gravel from 2023-2038 is therefore 1.554 million tpa x 16 years (24.864 million tonnes)
- Sand and gravel permitted reserve at 31/12/2022 = 17.954million tonnes
- Total shortfall is the forecast need minus permitted reserve = 6.91 million tonnes

The total shortfall and minimum quantity to be allocated is therefore 6.91 million tonnes which is equivalent to a need for 4.4 years further supply over the period of the Minerals and Waste Local Plan."

Reason

Factual update to reflect the most recently available published data (from 2022 Local Aggregate Assessment).

MPA Comment - Object

We do not believe the Council has taken the essence of the 10% buffer in accordance with the discussions at the EIP. The Council does not appear to have made any effort to forecast demand and is simply using the "10% buffer" as a forecast. The figures should be revisited to forecast demand and then the 10% buffer added.

MM41 - Paragraph MP1.18, Page 70

Modification

Update the data in this paragraph as follows: *"The average silica sand production in Norfolk over the last 10 years (2013-2022) was 825,643 tonnes per annum. The average silica sand production in Norfolk over the last 3 years (2020-2022) was 792,338 tonnes per annum. 10-year average sales data and 3-year average sales data is provided to Norfolk County Council annually by Sibelco UK Ltd, but annual silica sand production data is not provided. The NPPF makes a specific link between silica sand supply and the production of the plant that it is supplying: therefore, it is considered appropriate to forecast the need for silica sand extraction in Norfolk based on the maximum lawful throughput of the Leziate Processing Plant site, which is 0.754 million tonnes of raw silica sand per annum. However, there is the potential for the processing plant throughput to be increased during the Plan period if a suitable planning application was submitted and granted. Therefore, the quantity of silica sand to be planned for will be at least the current maximum lawful throughput of the Leziate processing plant site."*

Reason

Factual update to reflect the most recently available published data (from 2022 Local Aggregate Assessment).

To recognise the need for flexibility if the throughput of the plant site is increase in future through the grant of a new planning permission.

MPA Comment - Object

The Council needs to provide clarity on sales and production figures. Reference is made 10-years production and then 3-years production, followed by 10-years average sales data and 3-years sales data. It then refers to raw silica sand throughput of the plant. The wording requires clarity as these figures will undoubtedly be very different.

MM42 - Paragraph MP1.20, Page 71

Modification

Update the data in this paragraph as follows: *"The permitted reserve of silica sand, at 31/12/2022 is estimated at 3.08 million tonnes. The permitted reserve therefore provides a landbank of less than 10 years' worth of silica sand production, which is below the level required by the NPPF. However, the permitted reserve is dependent upon the submission of suitable planning applications. Planning permission was granted in August 2021 for the extraction of 1.1 million tonnes of silica sand at Bawsey (allocated site SIL 01) and permission was granted in June 2023 for the extraction of 3 million tonnes of silica sand at East Winch (allocated site MIN 40) . However, even with the inclusion of the mineral resource in both of these permissions, the landbank of permitted reserves would still be less than 10 years' worth of silica sand production.*

Calculation of forecast need for silica sand

- The maximum total lawful throughput per annum for the Leziat Plant site is 0.754 million tonnes of silica sand
- The forecast need for silica sand from 2023-2038 is therefore 0.754 million tpa x 16 years = 12.064 million tonnes
- Silica sand permitted reserve at 31/12/2022 = 3.08 million tonnes
- Total shortfall is the forecast need minus permitted reserve = 8.984 million tonnes

The total shortfall and the minimum quantity to be allocated is therefore 8.984 million tonnes which is equivalent to the need for 11.9 years' further supply over the period of the Minerals and Waste Local Plan."

Reason

Factual update to reflect the most recently available published data (from 2022 Local Aggregate Assessment).

MPA Comment - Object

The wording does not reflect the NPPF or the wording of proposed amendment MM41. The latter states that *"the quantity of silica sand to be planned for will be at least the current maximum lawful throughput of the Leziat processing plant site"* (Our underlining). The proposed wording does not reflect "at least the current maximum", it is precisely the quoted current maximum. The text should be amended to read:

*"The permitted reserve of silica sand, at 31/12/2022 is estimated at 3.08 million tonnes. The permitted reserve therefore provides a landbank **stock of permitted reserves** of less than 10 years' worth of silica sand production, which is below the level required by the NPPF.*

Further, the forecast is clearly an underestimate and is not being based upon true output but a "maximum throughput". **Tis is also wholly contrary to the discussions and agreement at the EIP.** The amended text using the 10 year average clearly states silica sand production in Norfolk over the last 10 years (2013-2022) was 825,643 . It is this figure which should be used to forecast production over the next 16 years to ensure a steady and adequate supply of silica sand is maintained and avoid under-supply. Failure to deliver this will render the plan unsound.

The bullet points should be amended to read.

- *The forecast need for silica sand from 2023-2038 based upon the 10 years production is therefore 0.754) 0.826 million tpa x 16 years = ~~12.064~~ 13.216 million tonnes*
- *Silica sand permitted reserve at 31/12/2022 = 3.08 million tonnes*
- *Total shortfall is the forecast need minus permitted reserve = ~~8.984~~ 10.136 million tonnes.*

The total shortfall and the minimum quantity to be allocated is therefore ~~8.984~~ 10.136 million tonnes which is equivalent to the need for ~~41.9~~ 12.27 years' further supply over the period of the Minerals and Waste Local Plan."

MM43 - Policy MP1. Provision for mineral extraction, Page 72

Modification

Amend the policy wording regarding sand and gravel as follows:

"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 **6.91** 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 or major construction projects).*

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

- There is an overriding justification and/or overriding benefit for the proposed extraction; and/or the landbank of permitted reserves of sand and gravel in Norfolk is below seven years; and*
- The proposal is consistent with all other relevant policies set out in the Development Plan*

Amend the policy wording for silica sand as follows:

*For silica sand, sufficient sites to deliver at least **8.98** million tonnes of silica sand resources will be required during the Plan period."*

The rest of the policy wording, regarding Carstone and silica sand, will not change.

Reason

Factual update to the forecast need to reflect the most recently available published data (from 2022 Local Aggregate Assessment).

Other modifications to positively word the policy and provide additional flexibility for planning applications that may come forward for sand and gravel extraction on unallocated sites.

MPA Comment - Object

Whilst we recognise a more positive wording, as highlighted above, we have concerns over the forecast for growth which has not been predicted and is limited to an arbitrary 10% buffer.

We would suggest amending bullet point a) to read:

- There is an overriding justification and/or ~~overriding~~ benefit for the proposed extraction; and/or the ~~landbank of permitted reserves of sand and gravel in Norfolk is below seven years; and~~ to maintain the landbank of permitted sand and gravel of at least 7 years.*

In addition, the silica sand text needs to be amended to reflect the forecast highlighted above and the discussions and agreement at the EIP.

*"For silica sand, sufficient sites to deliver at least ~~8.98~~ **10.136** million tonnes of silica sand resources will be required during the Plan period."*

MM44 - Paragraph MP1.25, Page 72

Amend the paragraph as follows:

"Paragraph 15 of the NPPF (December 2023) states that the planning system should be genuinely plan-led and provide a framework for addressing need and other economic, social and environmental priorities. To ensure future sand and gravel extraction is clearly focused on the Spatial Strategy and identified allocated sites in this Plan, whilst enabling flexibility for changing circumstances during the Plan period, other proposals for sand and gravel extraction at locations situated outside of the areas identified for future working will be supported normally be resisted by the Mineral Planning Authority (MPA). There may, however, be circumstances where an 'over-riding justification and/or overriding benefit' for mineral development can be demonstrated by the applicant. Examples of potential overriding planning reasons for mineral extraction to occur on unallocated sites may occur include, but are not limited to in relation to:

- Agricultural irrigation reservoirs - where mineral is extracted and exported to create the reservoir landform,*
- Borrow pits - where extraction takes place over a limited period for the exclusive use of a specific construction project such as for a specific road scheme,*
- Prior extraction to prevent mineral sterilisation - this may be required on occasions where significant development takes place (on a site of over 2 hectares) and where a workable mineral resource could otherwise be permanently lost through sterilisation."*

MPA Comment - Object

We believe the identification of overriding planning reasons should be broadened to reflect spatial planning issues and planning policy requirements. Amend the wording to include

- Agricultural irrigation reservoirs - where mineral is extracted and exported to create the reservoir landform,*
- Borrow pits - where extraction takes place over a limited period for the exclusive use of a specific construction project such as for a specific road scheme,*
- Prior extraction to prevent mineral sterilisation - this may be required on occasions where significant development takes place (on a site of over 2 hectares) and where a workable mineral resource could otherwise be permanently lost through sterilisation.*
- **Conclusions of the latest annual Local Aggregate Assessment identifying a shortage of sand and gravel supply,***
- **Significant forecasted growth due to levels of planned construction, house building and or infrastructure development,***
- **Insufficient production capacity of other permitted sites."***

MM47 - Paragraph MP2.4, Page 74

Modification

Amend the paragraph as follows: "Silica sand is mostly exported out of Norfolk by train, for glass production elsewhere. Therefore, within the confines of the available mineral resource, the spatial preference for new silica sand extraction sites is for sites which would be able to access the existing processing plant at Leziate (or another silica sand processing plant in Norfolk if one was to be built) and railhead via conveyor, pipeline or off-public haul routes. Whilst Policy MP2 identifies the overall spatial strategy for silica sand extraction, Policy MPSS1 sets out the detailed requirements for applications for silica sand extraction on unallocated sites to address."

| |
|---|
| <p>Reason</p> <p>To provide locational flexibility if a new processing plant were to be built in elsewhere in Norfolk and to clarify the link between policy MP2 and MPSS1.</p> |
| <p><u>MPA Comment - Object</u></p> <p>We believe the amended wording is overly restrictive linking future and lacks flexibility.</p> <p><i>"Silica sand is mostly exported out of Norfolk by train, for glass production elsewhere. Therefore, wWithin the confines of the available mineral resource, the spatial preference for new silica sand extraction sites is for sites which would be able to access the existing processing plant at Leziate (or another silica sand processing plant in Norfolk if one was to be built) and where appropriate and practicable, the railhead via conveyor, pipeline or off-public haul routes. However, it is recognised that minerals can only be worked where they are found and any proposals for a new silica sand site and processing plant will be considered on its merits in accordance with the policies of the plan. Whilst Policy MP2 identifies the overall spatial strategy for silica sand extraction, Policy MPSS1 sets out the detailed requirements for applications for silica sand extraction on unallocated sites to address."</i></p> |
| <p>MM49 - Policy MP2. Spatial Strategy for Minerals Extraction, Page 75</p> <p>Modification</p> <p>Amend the policy wording as follows:</p> <p>[There are no changes to the first paragraph of the policy]</p> <p><i>"For the purpose of this policy Norfolk's main towns are Aylsham, Cromer, Dereham, Diss, Downham Market, Fakenham, Harleston, Hunstanton, Long Stratton, North Walsham, Swaffham, Watton and Wymondham. Norfolk's urban areas are King's Lynn Thetford, Attleborough, Great Yarmouth, Gorleston-on-Sea and Norwich [the Norwich urban area consists of Norwich and the built-up parts of the urban fringe parishes of Colney, Costessey, Cringleford, Easton, Trowse, Thorpe St Andrew, Sprowston, Old Catton, Hellesdon, Drayton, Taverham and the remainder of the Growth Triangle].</i></p> <p><i>Within the resource area identified on the key diagram, or in other locations where borehole data is submitted to demonstrate a viable silica sand resource, specific sites for silica sand should be located where they are able to access the existing processing plant at Leziate (or another processing plant in Norfolk if one was to be built) and railhead via conveyor, pipeline or off-public highway haul route.</i></p> <p><i>This spatial strategy for mineral extraction sites is subject to the proposed development not being located within:</i></p> <ul style="list-style-type: none"> • <i>The Broads Authority Executive Area or the Norfolk Coast National Landscape (designated as an Area of Outstanding Natural Beauty), other than in exceptional circumstances and there it can be demonstrated that the development is in the public interest, or</i> • <i>A Site of Special Scientific Interest or a Habitats site and which is likely to have an adverse effect on it, or</i> • <i>Ancient woodland or other irreplaceable habitat, or</i> • <i>a designated heritage asset, including listed buildings, registered parks and gardens, conservation areas and scheduled monuments, or their settings if the proposed development would cause substantial harm to the significance of the heritage asset (including any contribution to significance by setting)."</i> <p>Reason</p> <p>Factual update to main towns and urban areas list to be consistent with the settlement hierarchy in Norfolk Local Planning Authorities' Local Plans.</p> |

To provide locational flexibility if a viable silica sand resource is demonstrated outside of the mapped resource areas and if a new processing plant site were to be built in Norfolk.

To include all irreplaceable habitats, not just ancient woodland. Clarification on designated heritage assets requested by Historic England in representation 99233 for consistency with NPPF.

MPA Comment - Object

As referenced above, the spatial element is overly restrictive. The wording should be amended to read

*“Within the resource area identified on the key diagram, or in other locations where borehole data is submitted to demonstrate a viable silica sand resource, specific sites for silica sand should be located where they are able to access the existing processing plant at Leziate (or another processing plant in Norfolk if one was to be built) and **where appropriate and practicable, the** railhead via conveyor, pipeline or off-public highway haul route. **However, it is recognised that minerals can only be worked where they are found and any proposals for a new silica sand site and processing plant will be considered on its merits in accordance with the policies of the plan.**”*

MM50 - Policy MPSS1. Silica Sand Extraction Sites, Page 77

Modification

Amend policy requirement (a) to state: *“To address the shortfall in silica sand supply to meet the requirements of the existing processing plant in Norfolk and/or a new processing plant in Norfolk if one was built (as set out in the NPPF)”*

Amend requirement (i) to state *“A sufficient stand-off distance around any water main or foul sewer that crosses the site or diversion of the water main/sewer at the developer’s cost and to the satisfaction of Anglian Water”*

Amend policy requirement (m) to state: *“The processing plant and railhead should be accessed via conveyor, pipeline or off-public haul routes. However, if silica sand is proposed to be transported to the existing processing plant at Leziate using the public highway, then there will be a preference for a transport route which minimises amenity impacts through the use of off-highway haul routes from the B1145 to the processing plant. A right-turn lane at the junction with the B1145 would probably be required to provide a suitable junction.”*

Reason

To provide locational flexibility if another plant site was to be built in Norfolk.

To include sewers as well as water mains as suggested by Anglian Water in representation 99283.

To enable the policy requirement to apply to a new processing plant if one was built in Norfolk.

MPA Comment - Object

The proposed amendment (i) errs in law. It is not for the planning system to state who will be required to pay for water main or sewer diversions. This will be a commercial decision between two private companies and dependant upon any wayleave or easement requirements. *“A sufficient stand-off distance around any water main or foul sewer that crosses the site or diversion of the water main/sewer ~~at the developer’s cost and to the satisfaction of the utility provider. Anglian Water~~”*

Proposed amendment (m) is too prescriptive. Our proposed amendment also makes more sense in light of the second sentence. In addition, surely a right turn lane would be dependent upon the source of sand supply:

Amend the text to read: *“The processing plant and railhead should, **where appropriate and practicable,** be accessed via conveyor, pipeline or off-public haul routes. However, if silica sand is proposed to be transported to the existing processing plant at Leziate using the public highway, then there will be a preference for a transport route which minimises*

amenity impacts through the use of off-highway haul routes from the B1145 to the processing plant. A right-turn lane at the junction with the B1145 ~~would probably~~ may be required to provide a suitable junction."

MM56 - Paragraph MP8.3, Page 83

Modification

Add the following new text after the first sentence in the paragraph to state: *"The approved aftercare would be secured by planning condition or a legal agreement as appropriate. Planning conditions and/or longer-term planning obligations will be used to ensure that an aftercare strategy of greater than five years and/or longer-term management is secured where required and that an annual management report is provided for the duration of the aftercare period. Examples of afteruses that would be likely to require aftercare beyond 5 years include forestry and amenity (including biodiversity), such as restoration to heathland habitat or to species-rich grassland."*

Reason

Clarification to set out:

- that annual reports will be required for the duration of the aftercare period
- to separate agriculture from other uses in terms of aftercare periods.
- the circumstances where aftercare beyond the 5 years may be necessary and the mechanism by which this would be achieved. As raised by Norfolk Wildlife Trust in representation 99431.

MPA Comment - Object

The proposed wording is cumbersome and non-compliant with the legislation. Planning conditions cannot be used to secure aftercare periods in excess of 5 years. The whole section requires re-writing.

MM57 - Policy MP8. Aftercare, page 83

Modification

Amend the policy as follows:

"Where the proposed restoration following mineral extraction is to agriculture, an outline aftercare strategy for five years is required, prior to the determination of the planning application. Where the proposed restoration is to forestry, amenity or ecology after-use; or includes a geological exposure, an outline aftercare strategy for at least five years is required, prior to the determination of the planning application. The outline strategy should set out the land management proposed to bring the restored land up to the required standard for the proposed afteruse.

Planning conditions and/or longer-term planning obligations will be used to ensure that a detailed annual management report is provided for the duration of the aftercare period, where required. The annual management report must include any measures required, following the annual aftercare inspection, to achieve the outline aftercare strategy."

Reason

Clarity on the different aftercare period required for agriculture compared to other potential afteruses.

MPA Comment - Object

It is wholly acceptable to require a restoration strategy to agriculture, forestry, amenity by condition and not prior to determination.

Amend the text accordingly

MM62 - Mineral extraction sites - silica sand, Page 102

Modification

Amend the fifth sentence of the introductory paragraph as follows: "*These two sites would not meet the forecast need of **8.98** million tonnes of silica sand during the plan period.*"

MPA Comment - Object

As detailed above, there is a recognised shortfall in the forecast and the figures require amendment. The figure requires amendment to accord with the discussions and agreement at the EIP.

"These two sites would not meet the forecast need of ~~8.98~~ **10.136** million tonnes of silica sand during the plan period."