

Environment, Development and Transport Committee

Item No.

Report title:	Norfolk Minerals and Waste Local Plan Review Consultation
Date of meeting:	18 May 2018
Responsible Chief Officer:	Tom McCabe – Executive Director, Community and Environmental Services
Strategic impact Norfolk County Council, as Minerals and Waste Planning Authority, has a statutory duty to produce and maintain an up-to-date Minerals and Waste Local Plan which forms the basis for determining any relevant planning applications that are lodged with the authority. The provision of a steady and adequate supply of minerals and the management of waste constitute essential infrastructure to support the economic development of the county. The Council must also prepare and maintain a Minerals and Waste Development Scheme (MWDS) which specifies the development plan documents (DPDs) that the Council will produce and the timetable for the preparation and revision of the DPDs. The Planning and Compulsory Purchase Act requires the scheme to be kept up to date.	

Executive summary

The current Norfolk Minerals and Waste Plan consists of three documents. The Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD was adopted in 2011. The Minerals and Waste Site Specific Allocations DPDs were adopted in 2013. A Single Issue Silica Sand Review, which updated the Minerals SSA DPD was adopted in 2017. These adopted Plans cover the period to 2026.

As the Core Strategy was adopted over five years ago, a joint review of the three adopted DPDs is being carried out to ensure that the policies within them remain up-to-date, to extend the Plan period to 2036 and to consolidate them into one Norfolk Minerals and Waste Local Plan (M&WLP). This process is the Minerals and Waste Local Plan Review, which will include two public consultation stages and a formal representations period prior to submission of the M&WLP to the Secretary of State for independent examination.

The report provides information about the proposed Initial Consultation stage in the preparation of the M&WLP, including the proposed planning policies for minerals and waste management development and the proposed mineral extraction sites. The next stage in the process is to consult with stakeholders, including parish councils and the public, on the Initial Consultation document, which is available at: [Minerals and Waste Local Plan Review webpage](#).

In addition, a review of the Minerals and Waste Development Scheme (MWDS) has identified that the stages in the production of the M&WLPR will not be in accordance with the adopted timetable in the MWDS. A formal revision to the MWDS is therefore necessary and is attached as Appendix 1.

Recommendations:

Members are recommended to:

- 1. Resolve that the revised Minerals and Waste Development Scheme shall have effect from 1 June 2018.**
- 2. Agree to the publication of the Initial Consultation document, the Initial Sustainability Appraisal Report and the draft Habitats Regulations**

Assessment for a six week consultation period;

- 3. Delegate to the Executive Director of CES the power to make minor corrections and non-material changes that are identified prior to the issue of the consultation documents.**

1. Proposal

- 1.1. The Minerals and Waste Development Scheme (MWDS) has been updated, and EDT Committee is recommended to bring the Scheme into effect on 1 June 2018. The Scheme sets out a timetable for producing minerals and waste planning policy documents, which are the Minerals and Waste Local Plan Review (M&WLPR) and the Statement of Community Involvement. For the reasons set out in paragraph 5.5 below appropriate adjustments are proposed to the Scheme to ensure a realistic future timetable for the production of these documents. The revised MWDS is attached as Appendix 1. A table comparing the current MWDS timetable for the M&WLPR with the proposed changes in the revised MWDS is below:

Stage	Date timetabled in the adopted MWDS	Date timetabled in the revised MWDS
Preparation of Local Plan Consultation (Regulation 18)	Initial Consultation: June to August 2017 Preferred Options Consultation: February to March 2018	Initial Consultation: June/July 2018 Preferred Options Consultation: December 2018/January 2019
Pre-Submission representations period (Regulation 19)	November/December 2018	September/October 2019
Submission (Regulation 22)	March 2019	December 2019
Hearing commencement (Regulation 24)	May 2019	March 2020
Inspector's Report	August 2019	July 2020
Adoption (Regulation 26)	October 2019	October 2020

- 1.2. The Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD was adopted by Norfolk County Council in 2011. The Norfolk Minerals and Waste Site Specific Allocations DPDs were adopted by Norfolk County Council in 2013. A Single Issue Review of the Minerals SSA DPD was adopted in December 2017. These adopted plans cover the period to 2026.
- 1.3. As the Core Strategy was adopted over five years ago, a joint review of the three adopted DPDs is being carried out to ensure that the policies within them remain up-to-date, to extend the Plan period to 2036 and to consolidate the three DPDs into one Norfolk Minerals and Waste Local Plan (M&WLP). This process is the Minerals and Waste Local Plan Review.
- 1.4. The first public consultation stage in the M&WLPR is the 'Initial Consultation'. The following paragraphs summarise the contents of the Initial Consultation document for the M&WLPR which is available at: [Norfolk Minerals and Waste Local Plan Review webpage](#)
- 1.5. The M&WLPR includes a vision and strategic objectives for waste management and minerals development for the Plan period to 2036. The vision for the

M&WLPR is similar to the vision in the adopted Core Strategy in that it focuses on moving the management of waste up the waste hierarchy, enabling sufficient waste management facilities to be provided to manage Norfolk's waste arisings and locating new waste management facilities in proximity to Norfolk's urban areas and main towns. The vision continues to plan for a steady and adequate supply of minerals through the allocation of sufficient sites and/or areas to meet the forecast need. The vision also continues to focus on protecting and enhancing Norfolk's biodiversity, landscape and historic environment, the progressive restoration of mineral workings, and climate change mitigation and adaptation. In addition the vision includes safeguarding mineral resources from needless sterilisation, and safeguarding mineral extraction sites and infrastructure from incompatible development.

- 1.6. The M&WLPR includes revised figures for the quantities of waste that need to be planned for over the Plan period to 2036. An annual growth rate of 1% has been used to forecast arisings of Local Authority Collected Waste in line with forecast household growth. An annual growth rate of 1.5% has been used to forecast both commercial and industrial, and construction and demolition waste arisings, in line with forecast economic growth. An annual reduction of 6.6% has been forecast for hazardous waste arisings, based on the most recent time series data for hazardous waste arisings in Norfolk, in accordance with national guidance.
- 1.7. The adopted Waste Site Specific Allocations DPD (2013) allocated 29 sites for a range of waste management facilities. However, none of the allocated sites have been delivered since the adoption of the Waste SSA, whilst unallocated sites have been approved. Therefore, as part of the M&WLPR we consider that it would be more appropriate to have criteria based policies to determine planning applications for waste management facilities instead of allocating specific sites.
- 1.8. The M&WLPR therefore includes a spatial strategy for new waste management facilities, a policy detailing the land uses considered to be potentially suitable for waste management facilities and criteria based policies for the determination of planning applications for waste management facilities for the following types of waste: inert (construction, demolition and excavation waste), non-hazardous, hazardous waste and waste water. It also includes criteria based policies for the determination of planning applications for the following types of waste management facilities: inert waste recycling, waste transfer and treatment, composting, anaerobic digestion, household waste recycling centres, residual waste treatment, landfill and water recycling centres. Specific policies also cover the design of waste management facilities, landfill mining and safeguarding waste management facilities and water recycling centres.
- 1.9. The M&WLPR includes the revised quantities of sand and gravel, carstone and silica sand that need to be planned for during the period to 2036 in order to provide a steady and adequate supply of minerals. Based on the rolling average of ten years sales data and other relevant local information, the M&WLPR proposes to plan for the same amount of silica sand extraction (750,000 tpa) as contained in the adopted Core Strategy, whilst a lower rate of carstone extraction (126,500 tpa) and sand and gravel extraction (1,980,000 tpa) is proposed to be planned for, reflecting the average extraction rate for aggregates over the last 20 years.
- 1.10. The M&WLPR contains a spatial strategy for minerals development. Policies relevant to the determination of applications for minerals development will include: borrow pits for highway schemes, agricultural reservoirs, protection of core river valleys, cumulative impacts and phasing of workings, progressing working and restoration, aftercare, concrete batching and asphalt plants and energy minerals. Specific policies also cover safeguarding mineral resources,

mineral sites and infrastructure.

- 1.11. The Minerals Site Specific Allocations DPD (2013) allocated 26 sites for sand and gravel extraction, one site for carstone extraction and two sites for silica sand extraction.
- 1.12. Since the adoption of the Minerals SSA, the allocated carstone site and silica sand sites have not yet come forward for planning permission and the M&WLPR continues to include the one proposed carstone extraction site and the two sites proposed for silica sand extraction. In addition, Sibelco UK have proposed a new preferred area for silica sand extraction (an area of known mineral resources with a willing landowner where planning permission might reasonably be anticipated) which is being considered as part of the M&WLPR.
- 1.13. The Single Issue Silica Sand Review of the Minerals SSA, which was adopted in December 2017, defined four areas of search for future silica sand extraction. The intention is for these four areas of search to continue be included within the M&WLPR.
- 1.14. Since the adoption of the Minerals SSA, ten of the 26 allocated sites for sand and gravel extraction have received planning permission. Of the 16 remaining allocated sites, three are no longer proposed to be developed for mineral extraction. The remaining 13 allocated sites are being reassessed for their suitability for future sand and gravel as part of the M&WLPR. In addition to the 13 currently allocated sites, a further 24 sites have been proposed in response to a 'call for mineral extraction sites' carried out for the purpose of the M&WLPR.
- 1.15. The assessments of both the currently allocated mineral extraction sites without planning permission and those proposed in response to the 'call for sites' are included in the draft Initial Consultation document. Not all of the sites will be needed for mineral extraction over the Plan period to 2036. There is no guarantee that currently allocated sites for mineral extraction will continue to be allocated in the M&WLPR if more suitable sites have been proposed as part of the review. Landowner willingness for a site to be included in the M&WLPR has been provided for all of the proposed sites.
- 1.16. The M&WLPR also includes policies relevant to both minerals and waste management development covering the following issues: the presumption in favour of sustainable development, development management criteria, transport, climate change mitigation and adaptation, The Brecks protected habitats and species, and agricultural soils.
- 1.17. **Consultation**

The Minerals and Waste Local Plan Review process will include two public consultation stages and a formal representations period (detailed in the following paragraphs). The Planning policy process is front loaded so that stakeholders are consulted at an appropriate early stage in the process. The responses received during each public consultation stage will inform the next stage in the Local Plan Review process. Approval will be sought from the EDT Committee before each consultation stage takes place.
- 1.18. The main benefit of carrying out two public consultation stages, prior to the formal pre-submission representations period, is to provide the maximum opportunity to address concerns raised in response to the public consultations prior to the formal submission of the M&WLP for examination. This approach should reduce the number of matters and issues that need to be examined and therefore reduce the length and cost of the examination stage.
- 1.19. The next stage in the Minerals and Waste Local Plan Review process is the proposed six week consultation on the Initial Consultation document. This stage includes consultation with stakeholders, including parish councils and the public

on the proposed vision, strategic objectives and policies for the determination of planning applications for minerals and waste management development. The consultation is also regarding the assessment and suitability of the proposed sites and areas for mineral extraction during the period to 2036.

- 1.20. There are a number of organisations which Norfolk County Council is legally required to invite representations from, as part of the Local Plan process in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. There are also a number of organisations which Norfolk County Council has a duty to cooperate with in the plan making process, in accordance with the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). In accordance with the adopted Statement of Community Involvement, at each stage the consultation documents will be available to view on the Norfolk County Council website and available for inspection at the main offices of Norfolk's local planning authorities and public libraries.
- 1.21. **Next steps**
Responses received to the Initial consultation (this stage) will be used to inform the Preferred Options version of the Minerals and Waste Local Plan Review.
- 1.22. **Preferred Options consultation** (December 2018) will include the draft policies for use in the determination of planning applications for minerals and waste management development, as well as the proposed sites and areas for mineral extraction and draft policies detailing the requirements that a planning application for mineral extraction will need to address for those sites that are considered suitable for mineral extraction during the plan period. This document will be published for public consultation after agreement by the EDT Committee.
- 1.23. **Pre-Submission publication** (September 2019) **and submission** (December 2019) – The Preferred Options consultation responses will be considered and will feed into the Pre-Submission version of the plan. The Pre-Submission version will contain the planning policies for use in the determination of planning applications for minerals and waste management development. It will also contain only those sites/areas which are considered suitable for mineral extraction during the plan period and the policies detailing the requirements that a planning application for mineral extraction on each allocated site/area will need to address. The Pre-Submission Publication will go to EDT Committee with the recommendation for it to be published to enable representations to be made, prior to submission to the Secretary of State for Communities to carry out an Examination in Public.
- 1.24. **Examination** (March 2020) **and Inspector's Report** (July 2020) – A Planning Inspector appointed by the Secretary of State will conduct the Examination in Public and produce a report regarding the plan's soundness and legal compliance.
- 1.25. **Adoption** (October 2020) – Assuming that the report concludes that the plan is sound, legally compliant and should be adopted, the Council will then make the decision whether to adopt the document or not. The adopted document will replace the current Norfolk Minerals and Waste Development Plan Documents.
- 1.26. **Planning Applications** – Developers wanting to extract minerals from specific sites or land within an area of search allocated in the Minerals and Waste Local Plan will still need to apply for and be granted planning permission before mineral extraction can take place. Applications will be assessed on their individual merits in the light of all relevant development plan policies and other material considerations. Planning permissions are often granted subject to

conditions to mitigate potential impacts from site operations and mineral and waste sites are monitored on a regular basis.

2. Evidence

- 2.1. The M&WLPR has been informed by data including, but not limited to, the following sources: Norfolk County Council's annual survey of mineral extraction sites published in the Local Aggregate Assessment, Norfolk County Council's annual survey of waste management facilities and the Environment Agency's Waste Data Interrogator, the annual monitoring report of planning permissions granted, refused and appealed, Office of National Statistics household and population forecasts, the Norfolk Strategic Housing Market Assessments and the East of England Forecasting Model.
- 2.2. The first stage in the M&WLPR was a 'call for mineral extraction sites' which took place in July 2017. The sites submitted, along with the existing allocated mineral sites which have not yet received planning permission, have been assessed for their suitability for future mineral extraction. The assessment included potential effects to amenity, highway access, the historic environment, archaeology, landscape, public rights of way, ecological designations, geodiversity, flood risk, hydrogeology, the Water Framework Directive, utilities and safeguarded aerodromes.
- 2.3. An Initial Sustainability Appraisal Report and a draft Habitats Regulations Assessment Test of Likely Significance have been carried out on the draft policies and alternatives as well as on all of the proposed specific sites and areas for mineral extraction. The Initial Sustainability Appraisal and draft Habitats Regulations Assessment will be published as part of the Initial Consultation and are background documents to this report.

3. Financial Implications

- 3.1. The timetable for the Minerals and Waste Local Plan Review is included within the Minerals and Waste Local Development Scheme (Appendix 1). To minimise publication costs going forward all stakeholders, including parish councils, will be consulted online wherever possible. Notwithstanding these savings, the Minerals and Waste Local Plan Review will give rise to additional costs, as follows:
- 3.2. Based on the experience of previous planning policy production, costs including officer time in the collection of evidence, formation of policy and assessment of consultation responses and:

	Year	Estimated costs
Publication of Initial consultation documents (Regulation 18)	2018/19	£4,000
Consultation advertising costs	2018/19	£500
Publication of Preferred Options consultation documents (Reg. 18)	2018/19	£4,000
Consultation advertising costs	2018/19	£500
Publication of Pre-Submission consultation documents	2019/20	£4,000
Pre-Submission advertising costs	2019/20	£500
Planning Inspector costs for	2020/21	£100,000

examination		
Programme Officer costs for examination	2020/21	£8,000
Venue hire for examination hearings	2020/21	£2,400
Examination advertising costs	2020/21	£500
Adoption advertising costs	2020/21	£500
Adoption printing costs	2020/21	£4,000
Total estimated costs	n/a	£128,900

3.3. These costs will vary depending on the level of public engagement with the process and the duration of the examination hearings. The estimated costs are based on eight days of examination hearings. Whilst the daily amount charged for a Planning Inspector has not changed since 2008, it appears that the number of days' work being charged for an examination has increased.

3.4. As stated above consultation will be carried out via the internet and email wherever possible as this maximises efficiencies in both cost and time. However, there will still be a need for some hard copies of consultation documents to be produced and for some correspondence by letter to ensure that the consultation process is accessible to all.

4. Issues, risks and innovation

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

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

4.3. As part of the examination of the Minerals and Waste Local Plan Review a Planning Inspector will assess not only whether the M&WLPR is sound, but also whether it satisfies various statutory requirements imposed by the 2004 Act. These include a requirement that it has been prepared in accordance with the adopted MWDS. Therefore a revised MWDS needs to be brought into effect to enable the M&WLPR to be legally compliant.

4.4. The public consultation on the Initial Consultation document will enable interested people and organisations to provide comments about the draft policies for minerals and waste development, and the suitability of the proposed specific sites and areas of search for future mineral extraction.

4.5. The Minerals and Waste Local Plan Review process must be carried out in accordance with the 2004 Act and other relevant planning legislation. The legal compliance of the Plan will form part of the examination carried out by an independent Planning Inspector in 2020.

4.6. The environmental implications of the Minerals and Waste Local Plan Review will be formally assessed as part of the Review process, through the Sustainability Appraisal (which will include a Strategic Environmental Assessment) and a Habitats Regulations Assessment. Both of these must be carried out in accordance with the relevant legislation and include formal consultation stages.

5. Background

- 5.1. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The minerals industry contributes to the economy of Norfolk as an employer and providing raw materials for the construction of buildings and roads and for glass manufacture.
- 5.2. The production of waste is a natural result of economic and social activity by businesses and consumers. The waste management industry contributes to the economy of Norfolk as an employer and providing a service which supports businesses and communities.
- 5.3. The current MWDS came into effect on 24 March 2016 and contains the timetable for the Silica Sand Review (which was adopted in December 2017) and the Minerals and Waste Local Plan Review which is currently being produced.
- 5.4. The MWDS planned for the final stages in the Single Issue Silica Sand Review, which was adopted in December 2017. Therefore this part of the MWDS is no longer required. A review of the Statement of Community Involvement needs to be included within the MWDS as the most recent version of the SCI was adopted in 2012.
- 5.5. The MWDS planned for the first consultation stage in the preparation of the M&WLPR to take place in the summer of 2017. Due to the work required on the examination of the Silica Sand Review in 2017 and the work required to assess the proposed mineral extraction sites received in response to the 'call for sites', it was not possible to undertake the first consultation stage in the M&WLPR at the time anticipated by the adopted MWDS. This consultation is now planned to take place in June 2018, as detailed in this report. The revised date for the first consultation means that the subsequent stages of the M&WLPR cannot take place in accordance with the timescales in the current adopted MWDS and realistic revised timescales need to be set out which will allow appropriate time to carry out further stages of consultation, assess and respond to responses, and undertake the process of examination and adoption. A revision of the MWDS is therefore necessary and has been prepared by officers: this is attached as Appendix 1. The 2004 Act states that a revision of the MWDS is brought into effect by the Minerals and Waste Planning Authority resolving that the revision is to have effect from a specified date.
- 5.6. Norfolk County Council, as the Mineral and Waste Planning Authority has a statutory duty to produce a Minerals and Waste Local Plan and to keep it up to date. The government can intervene in local authorities where policies in plans have not been kept up to date. As at March 2018 the government is considering whether it needs to take over the process of producing the local plans of three Local Planning Authorities where there has been a failure to produce a local plan. The Government also has powers to intervene in the MWDS process, either by directing that a revision take place, or preparing the revision and requiring the planning authority to bring it into effect.
- 5.7. **Background Papers**
[Norfolk Minerals and Waste Development Scheme \(March 2017\)](#)
Norfolk Minerals and Waste Local Plan Review – Initial Sustainability Appraisal Report – Part A Scoping
Norfolk Minerals and Waste Local Plan Review – Initial Sustainability Appraisal Report – Part B
Norfolk Minerals and Waste Local Plan Review – Habitats Regulations Assessment (Task 1)
(available at: [Norfolk Minerals and Waste Local Plan Review webpage](#))

Officer Contact

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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