Norfolk County Council: Minerals and Waste Local Plan; Preferred Options July 2019.
Representation on behalf of the Mineral Products Association (MPA).

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Please note that the MPA would wish to attend the EiP.

Comment:

Vision
We agree with the principle of the vision but suggest change in wording in respect of the safeguarding vision in that mention should be made to the agent of change detailed in the NPPF (para 182) and make the vision compliant with National Policy.

Proposed Changes (deletions in strikethrough; new text in **bold**)

Resources of sand and gravel, carstone and silica sand within defined Mineral Safeguarding Areas will be safeguarded from needless sterilisation by non-mineral development. Infrastructure for the storage, handling, processing and transportation of minerals will also be safeguarded from incompatible development. The ‘agent of change’ principle will be applied to any new proposed development impacting on safeguarded areas or sites.

Mineral Strategic Objective
The following adjustments are suggested to the following objectives to make the to properly reflect NPPF;

Proposed Changes (deletions in strikethrough; new text in **bold**)

MSO1. To provide a steady and adequate supply of aggregate minerals and to provide at least a 7-year land bank for sand and gravel, and 10-year landbank for carstone, by identifying adequate mineral extraction sites/areas within Norfolk sufficient to meet the requirements of the Local Aggregate Assessment and safeguarding existing infrastructure.

MSO2. To provide a steady and adequate supply of industrial minerals by identifying adequate mineral extraction sites/areas within Norfolk sufficient to meet the forecast need and stocks of permitted reserves of silica sand of at least 10 years production for individual silica sites or at least 15 years where significant new capital is required and safeguarding existing infrastructure.

MSO4. To safeguard silica sand, carstone, and sand and gravel resources for future use. Avoiding unnecessary sterilisation by encouraging the extraction of minerals prior to other development taking place where practicable and using minerals in construction on the land from which they are extracted. The ‘agent of change’ principle will be applied to any new proposed development impacting on safeguarded areas or sites.
MSO5. To promote the sustainable transport of minerals by rail, road and water, including the safeguarding of railheads and wharfs for the import of minerals to and export of minerals from Norfolk. The ‘agent of change’ principle will be applied to any new proposed development impacting on safeguarded sites.

**Biodiversity and Geological Conservation**

**Para 8.18 to 8.21**

We consider that the above paragraphs do not properly reflect NPPF in that the Plan as drafted does not properly distinguish between the hierarchy of international, national and locally designated sites as required by paragraph 171 of the NPPF. As such the Plan is unsound.

**Historic Environment**

**Para 8.28 to 8.30**

In the absence of a specific policy on this topic we believe the text needs to better reflect the NPPF at paragraph 189;

"The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

While the text goes some way to this by using the phrase ‘in a manner appropriate to their significance’, we believe that there is a difference between proportionate and appropriate. Proportionate goes to the amount of time/resource needed to determine the impact of a development proposal on a heritage asset.

In addition, as drafted the text could be interpreted that all heritage assets regardless of significance must be preserved.

For the above reasons the text is unsound as it does not align with national policy and is also not effective. The text needs to be redrafted to reflect national policy.

**Policy MW3: Transport**

Suggested altered wording for the last bullet point of the policy as follows to make the policy effective;

**Proposed Changes** (deletions in strikethrough; new text in **bold**)

*Where practical and appropriate measures to reduce car travel to the site by workers and visitors and encourage walking, cycling and use of public transport.*

This alteration is made to prevent a dogmatic approach being taken. We have examples of cycle racks needing to be provided when it was clearly impractical for individuals to safely cycle to the site.

**Policy MW4: Climate Change**

**Proposed Changes** (deletions in strikethrough; new text in **bold**)

*g) incorporate proposals for sustainable travel, including travel plans where practical and appropriate.*
Due to the often-isolated nature of mineral workings public transport or cycling are not practical. Therefore, the additional wording is suggested to make the policy effective and preventing unnecessary work for the developer/applicant.

**Policy MW6: Agricultural soils**

It is felt that the last bullet point is unnecessary and could dilute the policy in terms of the importance of agricultural restoration. With climate change the ability to have land to grow food will become even more important. The proposed changes make the policy effective.

The wording of the policy needs adjusting as follows:

**Proposed Changes** (deletions in strikethrough; new text in **bold**)

Where development is proposed on agricultural land, the County Council has a clear preference for locating new mineral extraction and associated activities, and composting facilities, on land of agricultural grades 3b, 4 and 5.

Development proposals affecting Grade 1 agricultural land will only be permitted in exceptional circumstances, where it is demonstrated that there are no alternative locations for the development. In addition to the above, when minerals development, particularly extraction, is proposed on agricultural land of grades 1, 2 or 3a it will only be permitted where:

- Provision is made for high standards of soil management that would enable restoration to a condition at least as good as its previous agricultural quality. To demonstrate this, soil and land quality surveys, and soil handling and replacement strategies (based upon Defra’s ‘Good Practice Guide for Handling Soils’) must be submitted to the County Planning Authority; or

- The benefit of restoring the land to another after-use can be shown to outweigh the loss of the agricultural use of the land.

**Policy MP1: Provision for minerals extraction**

Changes are required to make it clear that the landbanks levels have to be maintained so they are in place at the end of the plan period to make the policy accord with national policy and be effective. In respect of silica sand changes are needed to make the policy accord with NPPF.

Suggested rewording as follows:

**Proposed Changes** (deletions in strikethrough; new text in **bold**)

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 20,313,300 tonnes of resources will be allocated. The sand and gravel landbank will be maintained at a level of at least 7 years supply **throughout the Plan period** (excluding any contribution from borrow pits for major construction projects).

Mineral extraction for sand and gravel outside of allocated sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate: a) There is an overriding justification and/or overriding benefit for the proposed extraction, and b) The proposal is consistent with all other relevant policies set out in the Development Plan.
For carstone, a site or sites to deliver at least 340,200 tonnes of resources will be allocated. The landbank for carstone will be maintained at a level of at least 10 years’ supply throughout the Plan period.

For silica sand, sufficient sites and/or areas to deliver at least 10,500,000 tonnes of silica sand will be allocated. The landbank Stocks of permitted reserves of silica sand will be maintained at a level of at least 10 years’ supply production for each individual silica sand site or at least 15 years where significant new capital is required, where practicable. Planning applications for silica sand extraction located outside of allocated sites or areas of search, which would address the shortfall in permitted reserves, will be determined on their own merits in accordance with the policies in this Local Plan, including the requirements contained within Policy MP13.

**Policy MP2: Spatial Strategy for mineral extraction – STRATEGIC POLICY**

There should be no buffers applied to the so-called planning constraints. The acceptability or not of approaching such constraints will be a matter for the EIA and the development management process. Arbitrary buffers risk the sterilisation of workable mineral when they could be satisfactorily worked without impact.

There is no evidential basis for the buffers and the policy is unsound as it is not effective and is not positive planning.

**Policy MP10: safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials**

The MPA welcomes and support the reference to the ‘agent of change’ principle in paragraph MP10.3 of the supporting text. However, it is felt that for the purposes of clarity and effectiveness the wording of the policy should be adjusted as follows to apply the ‘agent of change’ principle;

**Proposed Changes** (deletions in strikethrough; new text in bold)

*The County Council will safeguard:*

a) Existing, planned and potential rail heads, rail links to quarries, wharfage and associated storage, handing and processing facilities for the bulk transport by rail, sea or inland waterways of minerals, including recycled, secondary and marine-dredged materials; and

b) Existing, planned and potential sites for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of primary, substitute, recycled and secondary aggregate material.

*Development proposals within 250 metres of the above minerals related facilities should demonstrate that they would not prevent or prejudice the use of those facilities. The ‘agent of change’ principle will be applied to all such development.*

The Mineral Planning Authority should be consulted on all development proposals within Minerals Consultation Areas, except for the excluded development types set out in Appendix 4.
The County Council will oppose development proposals which would prevent or prejudice the use of safeguarded sites for those purposes unless suitable alternative provision is made, or the applicant demonstrates that those sites no longer meet the needs of the aggregates industry.

**Policy MP11: Mineral Safeguarding Areas and Mineral Consultation Areas.**

For the same reasons as stated for Policy MP10 wording of the policy should be altered to incorporate the ‘agent of change’ principle as follows;

**Proposed Changes** (deletions in strikethrough; new text in bold)

**Policy MP11: Minerals Safeguarding Areas and Minerals Consultation Areas**

The County Council will safeguard existing, permitted and allocated mineral extraction sites from inappropriate development proposals. Minerals Consultation Areas are delineated on the Policies Map and extend to 250 metres from each safeguarded site. Development proposals within 250 metres of a safeguarded site should demonstrate that they would not prevent or prejudice the use of the safeguarded site for mineral extraction, and the agent of change principle will be applied in all such cases. The County Council will object to development proposals which would prevent or prejudice the use of safeguarded sites for mineral extraction.

The County Council will safeguarding Norfolk’s silica sand, carstone, and sand and gravel mineral resources, within the Minerals Safeguarding Areas identified on the Policies Map, from inappropriate development proposals. For mineral resources the Minerals Consultation Area is the same defined area as the Mineral Safeguarding Area.

The Mineral Planning Authority should be consulted on all development proposals within Minerals Consultation Areas, except for the excluded development types set out in Appendix 4.

For relevant development proposals located within a Minerals Safeguarding Area the Mineral Planning Authority will expect to see appropriate investigations carried out to assess whether any mineral resource there is of economic value, and if so, whether the mineral could be economically extracted prior to the development taking place.

The conservation benefits of carstone will be a consideration in safeguarding resources.

In line with the NPPF, the Mineral Planning Authority will object to development which would lead to the sterilisation of the mineral resource and it would be for the relevant Local Planning Authority to decide whether there are compelling planning reasons for over-riding this safeguarding objection.

**Other Comment**

Section 42. Page 84…The Targets/trigger levels do not conform with land bank policy requirements or those for stock of permitted reserves, wither in the proposed Policy MP1 or the NPPF.

The MPA would like to be present at any EiP.

M E NORTH

25 October 2019