

Norfolk County Council: Minerals and Waste Local Plan; Initial Consultation May 2018.
Representation on behalf of the **Mineral Products Association (MPA)**.

Contact:

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Question 1: 'Minerals and Waste Local Plan Vision' - Do you agree or disagree with the proposed Vision for the Minerals and Waste Local Plan? Do you have any comments gestions for alternative wording?

Comment:

We agree with the principle of the vision but suggest change in wording to make clear to the lay reader that there is a statutory duty on Norfolk CC re the supply of aggregates.
Suggested wording below;

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

*Norfolk will continue to be self-sufficient in the production of sand & gravel, whilst making an important contribution to the national production of silica sand. A steady and adequate supply of minerals to support sustainable economic growth will be planned for through allocating sufficient sites and/or areas in the Plan to meet the forecast need for sand and gravel, carstone, and silica sand **as required by National Policy**.*

In respect of the safeguarding vision mention should be made of the agent of change now in the revised NPPF (para 182);

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.***

Question 2: 'Waste Management Strategic Objectives' - Do you agree or disagree with the proposed strategic objectives for waste management? Do you have any further comments or suggestions for alternative strategic objectives?

No comment.

Question 3: 'Minerals Strategic Objectives' Do you agree or disagree with the proposed strategic objectives for minerals? Do you have any further comments or suggestions for alternative strategic objectives?

The following adjustments are suggested to the following objectives;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

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 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.**

MSO10. ~~Where practical~~ **Where practical** To increase public access to the countryside and enhance biodiversity through enhancing the amenity value of land when restoring extraction sites.

Question 4: Policy MW1 'Presumption in favour of sustainable development' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

This policy is supported. We also welcome the recognition in the preamble that the 3 pillars of sustainability have equal standing.

Question 5: Policy MW2 'Development Management Criteria' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

MW2 (b) needs redrafting as it is unclear.

The last paragraph need adjusting as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

*Where appropriate **and practical**, enhancement of the environment would be sought, including, but not exclusively, the enhancement of the Public Rights of Way Network, creation of recreation opportunities and enhancement of the natural, historic and built environment and surrounding landscapes.*

Question 6: Policy MW3 'transport' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

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

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Where realistic and practical ~~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.

Question 7: Policy MW4 ‘climate change mitigation and adaption’ - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

MW4(g) should be reworded as follows;

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

*g) incorporate proposals for sustainable travel, including travel plans where **practical and** appropriate.*

Question 8: Policy MW5 ‘The Brecks Protected Habitats and Species’ - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No comment.

Question 9: Policy MW6 ‘agricultural soils’ - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

It should be noted that the industry has shown that Grade 1 land can be successfully restored to equivalent quality and the policy should reflect this or at least referenced in supporting text.

The wording of the policy needs adjusting as follows:

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

Policy MW6: Agricultural soils

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.~~

The NPPF does not require that exceptional circumstances need to be shown for best and versatile land to be worked. Furthermore, minerals can only be worked where they exist.

Question 27: Policy MP1 ‘Provision for minerals extraction’ - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No as it does not accord with National Policy and is unsound. Suggested re wording as follows;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

Policy MP1: Provision for minerals extraction

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 23,063,560 tonnes of resources will be allocated. The sand and gravel landbank will be maintained at **a level of at least 7 years including at the end of the Plan period** ~~between 7 and 10 years’ supply~~ (excluding any contribution from borrow pits for major construction projects).*

*For carstone, a site or sites to deliver at least 480,000 tonnes of resources will be allocated. The landbank for carstone will be maintained at a **level of at least 10 years’ supply**.*

*For silica sand, sufficient sites and/or areas to deliver at least 12,380,000 tonnes of silica sand will be allocated. ~~The landbank~~ **Stocks of permitted reserves** for silica sand will be maintained at “at least” 10 years’ ~~supply~~ **production for each individual silica sand site or at least 15 years where significant new capital is capital is required.** ~~where practicable.~~*

We would seek clarification “why it is considered appropriate” (page 63, para1) for basing silica sand projections at 750,000 tpa when the current projections indicate average production over the past 3 years (785,400tpa) is much higher than the 10-year average and the figure upon which the plan projection is based. Basing a figure which is clearly lower than current sales is hardly forecasting (page 65). Further, para 2 on page 63 suggests that no planning applications for silica sand extraction have been submitted for over 10 years, although it is understood that a recent application has yet to be validated by the Council.

With less than 4 years “stocks of permitted reserves” of silica sand, the supply issues are clearly critical.

Question 28: Policy MP2 ‘Spatial strategy for minerals extraction’ - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

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.

It is not clear what the term '*are least constrained*' means in the last sentence of the policy and the sentence does not make sense.

Question 29: Policy MP3 'Borrow Pits' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No comment.

Question 30: Policy MP4 'Agricultural or potable water reservoirs' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No comment.

Question 31: Policy MP5 'Core River Valleys' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No comment.

Question 32: Policy MP6 'Cumulative impacts and phasing of working' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No comment.

Question 33: Policy MP7 'Progressive working, restoration and after-use' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

The following alterations are proposed to the policy;
Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

Policy MP7: Progressive working, restoration and after-use

Proposals for new mineral workings must be accompanied by a scheme for the phased and progressive working and restoration of the site throughout its life.

Restoration and after-use of mineral extraction sites and associated development will be determined on a case-by-case basis, prioritising the most appropriate after-use(s) for each site. Restoration and after-use proposals may include agriculture, forestry, ecology, reservoirs, amenity or flood alleviation. Preference will be given to after-uses and restoration that:

- *enhance Norfolk's biodiversity (focussing on priority habitats and species in Norfolk),*
- *contribute positively to identified Green Infrastructure corridors, and*
- *create high-quality, locally distinctive landscapes*
- ***restoration to agricultural land.***

The after-use and restoration proposal must demonstrate that:

- *The appropriate restoration and after-use is both feasible and achievable in the proposed time scales.*

- *Due consideration has been given to opportunities to improve public access, particularly to implement the County Council's Rights of Way Improvement Plan.*
- *Due consideration has been given to supporting the aims of the Green Infrastructure Strategy.*
- *Any important geology or geomorphology on the site will be retained in sample exposures for study purposes **only where practical and safe to do so.***

Question 34: Policy MP8 'Aftercare' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No comment.

Question 35: Policy MP9 'concrete batching and asphalt plants' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

No comment.

Question 36: Policy MP10 'Safeguarding of port and rail facilities, and facilities for the manufacture of concrete, asphalt and recycled materials' - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

The wording should be adjusted as follows to 'apply the agent' of change principle;

Proposed Changes (deletions in ~~strike through~~; new text in **bold**)

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

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.

Question 37: Policy M11 ‘Mineral Safeguarding Areas and Mineral Consultation Areas’ - Do you agree or disagree with the proposed policy? Do you have any comments or suggestions for alternative policy wording?

Wording of the policy should be altered to incorporate the ‘agent of change’ principle as follows;

Proposed Changes (deletions in ~~striketrough~~; 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.

M E NORTH
13 August 2018

