

## REPORT TO CABINET

<b>Open/Exempt</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b> (see list in the report)	Mandatory	Be entirely within Cabinet's powers to decide		Yes
		Need to be recommendations to Council		NO
		Is it a Key Decision		NO
Lead Member: Cllr Brian Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted: All		
		Other Members consulted: Cllr Richard Blunt		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial:01553 616237		Other Officers consulted: Management Team, Fabia Pollard Scientific Officer		
Financial Implications	Policy/Personnel Implications	Statutory Implications	Equal Impact Assessment	Risk Management Implications
NO	NO	YES	NO	NO

28 June 2016

### NORFOLK COUNTY COUNCIL MINERALS SITE SPECIFIC ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD) SINGLE ISSUE SILICA SAND REVIEW PRE-SUBMISSION

#### Summary

The Council is required to provide a response to the consultation by Norfolk County Council on the Pre-Submission Single Issue Silica Sand Review under the provisions of the 'Duty to Cooperate' set in the National Planning Policy Framework (NPPF).

The Silica Sand resource in Norfolk is found entirely within the administrative boundary of King's Lynn and West Norfolk Borough Council.

The pre-submission document contains one specific site (SIL01) Mintlyn South in Bawsey for silica sand extraction. It also contains six extensive 'Areas of Search' across the Borough. Planning permission for silica sand extraction may be granted on a smaller area of land within the Areas of Search.

The Borough Council provided comments to Norfolk County Council at previous stages both on the original plan: the Minerals Site Specific

Allocations DPD, and on an earlier version of the Silica Sand Review.

The following report outlines the key details of the Silica Sand Review and concludes with the recommended response to make formal objections from the Borough Council to significant elements of the proposals in the consultation.

### **Recommendation**

**To endorse the responses outlined in sections 4 to 7 of the report to become the Borough Council's representations to the Norfolk County Council Single Issue Silica Sand Review Pre-Submission document**

### **Reason for Decision**

The Council is required to provide a response to the consultation by Norfolk County Council on the Pre-Submission Single Issue Silica Sand Review under the provisions of the Duty to Cooperate set in the National Planning Policy Framework (NPPF).

## **1. Background to the Norfolk County Council Silica Sand Review Consultation**

1.1 Norfolk County Councils Minerals Site Specific Allocations DPD contains a requirement for a Silica Sand Review of the Plan to be completed by 2016.

1.2 The purpose of the Silica Sand Review is to address the predicted shortfall in the quantity of silica sand extraction sites allocated in the Plan, by designating specific sites and areas of search which would be suitable to meet this shortfall.

1.3 Norfolk County Council (NCC) has identified a shortfall over the Plan period of 2.61 million tonnes. A proposed site at Bawsey has an estimated resource of 1.2 million tonnes. This leaves a gap of 1.4 million tonnes to be accounted for using additional 'Areas of Search'. It is predicted that around 750,000 tonnes of silica sand will be extracted from Norfolk per year and that no more than 1 or 2 additional specific sites will need to be allocated over the plan period (to 2026) to meet the shortfall. The preferred mechanism in the sites plan would be to identify specific sites to meet the projected shortfall, but as no specific proposals other than the site at Bawsey have come forward NCC is proposing to identify broad areas (AoS) for future investigation.

1.4 The Silica Sand resource in Norfolk is found entirely within the administrative boundary of King's Lynn and West Norfolk Borough Council.

1.5 The Borough Council provided comments to NCC at previous stages both on the original plan: the Minerals Site Specific Allocations DPD, and on an earlier version of the Silica Sand Review.

1.6 The current consultation on the pre-submission document runs from the 16<sup>th</sup> May to 27<sup>th</sup> June. This is the last opportunity for the Borough Council to comment on the plan before NCC submits the plan for examination. We need to express any comments to NCC as 'objections' in order that they are considered formally by the anticipated Examination.

1.7 Within the document there are two main types of approach to identifying or reserving / allocating land for silica sand extraction. These have specific detailed policies associated with them to outline the level of information required to support proposals should they come forward for actual extraction. These also reference the Minerals and Waste Core Strategy, and the Minerals Site Allocations plan, both of which have generic policies covering such matters as landscape, transport, hydrology, amenity, air quality etc. These documents have already been adopted and form part of the 'Development Plan' for the area.

1.8 The following sections describe the proposed approaches, and a general map showing the sites is attached as Appendix 1. The full details and supporting documents can be found on the NCC website at:

<https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning/silica-sand-review>

## **2. Allocation of a specific site**

2.1 The pre-submission document contains one specific site (SIL01) Mintlyn South for silica sand extraction, proposed by Sibelco in response to the call for sites held during June 2015. The site is located in Bawsey and is estimated to have a mineral resource of 1.2 million tonnes.

<b>Allocation</b>		
<b>Reference</b>	<b>size (hectares)</b>	<b>Parish</b>
SIL 01	21	Bawsey

## **3. Areas of search (AoS)**

3.1 The mineral resource at Bawsey (SIL01) is not sufficient to meet the silica sand shortfall on its own. NCC have therefore defined additional 'areas of search' to meet the shortfall. The areas of search are large areas within which

planning permission for silica sand extraction may be granted on a smaller area of land. Following the previous stages of consultation, NCC has refined the areas of search down to 6 areas. The total size of all the areas of search together is 1,384 hectares (reduced from 2347 Ha in previous versions). This is a significantly larger area than is required for silica sand extraction over the plan period to 2026. NCC estimates that only approximately 40 hectares of land in total from all areas of search is required to meet the shortfall. (The extent of these areas is shown on the plan at Appendix 1, but the detailed boundaries can be seen by following the link at paragraph 1.8 above).

<b>Areas of Search</b>		
<b>Reference</b>	<b>size (hectares)</b>	<b>Parish</b>
<b>AOS A</b> land west of Snettisham, Ingoldisthorpe and Dersingham	328	Ingoldisthorpe, Snettisham, Dersingham
<b>AOS D</b> Land in the vicinity of West Bilney Wood	109	East Winch, Pentney
<b>AOS E</b> land to the north of Shouldham	816	Wormegay, Shouldham, Marham, Shouldham Thorpe
<b>AOS F</b> land to the north of Stow Bardolph	61	Runcton Holme, Stow Bardolph
<b>AOS I</b> land to the east of South Runcton	47	Runcton Holme, Shouldham Thorpe, Tottenhill
<b>AOS J</b> land to the east of Tottenhill	23	Tottenhill, Wormegay

#### **4. Discussion and response to the Norfolk County Council Single Issue Silica Sand Review Pre-Submission document**

4.1 The Borough Council notes the need to undertake this review of the Minerals Site Specific Allocation Plan and understands the designation of the proposed Specific Site and the Areas of Search which NCC as the Mineral Planning Authority have proposed to address the shortfall in the quantity of silica sand extraction sites. However it has concerns particularly over the AoS choices and potential operation.

4.2 The Borough Council also notes the responses provided by Norfolk County Council to comments made at the previous stage.

## **5. General considerations in choosing AoS**

5.1 The Areas of Search (AoS) are generally proposed in more rural parts of the Borough. Clearly they reflect the underlying geology and this is a factor in identifying the individual locations. It must be assumed that if an AoS is identified that there is a prospect that it could be fully used into the future for the extraction of silica sand. In which case there should be an appreciation of the ultimate in use and post use states.

5.2 The use of these locations within the countryside will have significant impacts on the local landscape, and the perceptions of the character of those areas. Whilst the County Council make extensive reference to viewpoints and visibility, there is a more general point about the physical change and the associated traffic and character impacts that will occur over a significant period of time.

5.3 It is not clear that any of the assessment measures consider the 'character' of the locality as perceived by local residents and that this perspective has been taken into account. Significant effort has been put into considering more focussed and localised impacts, but the wider impact is played down. The drained and open coastal marshes around the Snettisham area in the north of the Borough whilst not all in the AONB, is a significant asset to the Borough. Any diminution of the character type diminishes the wider value. It should clearly be demonstrated that impacts on the tourism economy are taken into account and this vital industry in the area will not be detrimentally affected.

5.4 Some of the AoS are hundreds of hectares in size. If an area of 40 hectares is what is required to 2026 the potential blight for a far wider area for a far longer period is unrealistic. The total AoS amounts to some 1400 hectares. The search is unfocused and would cause undue stress to communities in the prospective areas. It is irresponsible to identify such wide areas for a much smaller area of need.

5.5 There is no guarantee that operators are actually willing to investigate or develop these areas. It is intrinsically unreliable to accept as evidence of viability that landowners have not asked for these sites to be excluded. Positive evidence of deliverability must be demonstrated.

5.6 The Plan accepts that the material extracted will need to be taken by road to be processed. The distances involved are between 9 and 20 km from AoS to Leziate. From the north a main artery is the A149, and B1145. The A149 is accepted to be part of the strategic route network, but it is also significantly congested in peak summer months. To add to this enough lorry journeys capable of replicating the entire trainloads of material conveyed from Leziate

could cause significant detriment to visitors and local traffic. A wider appreciation is necessary before an 'in principle' acceptance in the Plan is given. From the southern AoS the A10 or A134 are the routes proposed to be used, presumably passing through the Hardwick junction. Again to rely on the fact that the routes are primarily designated lorry routes would seem to miss the point. Whilst they may be of a certain standard they carry significant amounts of other traffic, at the moment they are a recognised trouble spot in visitor terms.

5.7 Notwithstanding the above general objection expressed above the Borough Council needs to recognise and respond to the way that NCC has expressed the policy that could enable actual extraction in the AoS. Transport and landscape character are factors listed in the relevant proposed policy about AoS, but these miss a wider point about impacts on the area. However whilst these matters are expressed in the policy to be addressed, the potential detailed outputs are so fundamental to the impact, and stress for local communities, that they should be undertaken **before** an area can be designated as an AoS. A transparent interrogation of the outcomes could take place rather than as currently envisaged items to be addressed when an application is made.

## **6. BCKLWN Environmental Quality and Community Safety and Neighbourhood Nuisance Teams comments:**

6.1 They note that the pre-submission document refers to exclusion of sensitive receptors within 250m. However, paragraph 40.1 refers to residential properties on Gayton Road within 10 metres of the site boundary.

### **Air Quality & Dust**

6.2 They would wish to see mitigation in place to avoid dis-amenity and health impacts at residential properties. They have previously raised concerns over the potential cumulative impacts on air quality of other waste and minerals activities and industrial sources of air pollution.

6.3 Paragraph 3.18 refers to the National Planning Practice Guidance (PPG) for air quality. They would want to ensure that any planning permission within the Specific Site and the Areas of Search do not cause a breach of National Objectives for Air Quality or EU Limit values due to mineral extraction or associated transport.

6.4 Specific site Allocation Policy SIL01 includes a requirement for an air quality assessment compliant with Policy DM13. This is likely to provide a basis for any mitigation measures which would be required to prevent unacceptable impacts on health and amenity. They would expect to see the same safeguard for any site within the AoS also.

## Noise

6.5 It is noted that for all the areas of search reliance has been placed on the Planning Practice Guidance in support of CS14 and DM12. Both CS14 and DM12 provide little information on the control of noise and as such the reliance on the PPG does offer a degree of protection for noise sensitive dwellings, which would not otherwise be available in planning terms.

6.6 As such they would expect to ensure that any planning application includes a full assessment of noise in line with the Planning Guidance, including works to attenuate noise and working hours.

6.7 It should be noted that the noise limits set in the PPG are generous in terms of the allowable levels of noise. In many of the areas of search the background noise levels are likely to be considerably lower than the maximum of 55dB  $L_{Aeq, 1hr}$ . In addition they would normally consider an increase of up to 10dB ( $L_{A90, 1h}$ ) in noise levels as indicator that complaints are likely to be received. Whilst in planning terms we will expect compliance with the PPG this would be the minimum control expected and would not necessarily protect the operator from action under the Environmental Protection Act 1990 should justified complaints of Statutory Nuisance be received.

## 7. Other matters

7.1 Notwithstanding the comments in paragraphs above the Borough Council notes the following measures proposed by Norfolk County Council which help to address issues identified in earlier representations:

- A requirement for any planning application submitted within an area of search to include a **Landscape and Visual Impact Assessment**, a Heritage Statement and an archaeological assessment.
- A requirement for any planning application submitted within an area of search to include a **Transport Assessment** or **Transport Statement**, which will be assessed in accordance with Policy DM10 of the adopted Minerals and Waste Core Strategy.
- An area of 250 metres from residential properties has been excluded from the areas of search.
- A requirement for any planning application submitted within an area of search to include mitigation measures to deal appropriately with any amenity impacts, which would be assessed in accordance with Policy DM12 of the adopted Minerals and Waste Core Strategy.
- A requirement for an air quality assessment to be submitted with any planning application.

7.2 The Borough Council are not specifically objecting to the designation of the proposed Specific Site (SIL01 - Mintlyn South). However there are

significant general concerns about the six AoS proposed and these are given above. In addition to the general comments above there are a number of detail points regarding the specific areas and these are noted in the following tables:

Allocation			BCKLWN Comment
Reference	size (ha)	Parish	
SIL 01 Mintlyn South	21	Bawsey	No observations.

Areas of Search			BCKLWN Comment
Reference	size (ha)	Parish	
AOS A land west of Snettisham, Ingoldisthorpe and Dersingham	328	Ingoldisthorpe, Snettisham, Dersingham	Note the revision of the boundary which is now further away from the coast and flood defences. Accept that the boundary of the AoS is a minimum of 250m away from caravan sites.  Due to the sensitivities regarding the landscape and natural and historic environment at this location and the potential impact on tourism, it is important that effective public consultation is conducted for any forthcoming planning application in conjunction with a site specific HRA. Note that a neighbourhood plan is currently in preparation for Snettisham Parish.
AOS D Land in the vicinity of West Bilney Wood	109	East Winch, Pentney	No observations.
AOS E land to the north of Shouldham	816	Wormegay, Shouldham, Marham, Shouldham Thorpe	Note the revised northern boundary of AOS E which has moved south of the village of Wormegay.
AOS F land to the	61	Runcton Holme, Stow	No observations

Areas of Search			BCKLWN Comment
Reference	size (ha)	Parish	
north of Stow Bardolph		Bardolph	
AOS I land to the east of South Runcton	47	Runcton Holme, Shouldham Thorpe, Tottenhill	When considering forthcoming planning applications it is important to consider the cumulative impact of sites with AoS J.
AOS J land to the east of Tottenhill	23	Tottenhill, Wormegay	When considering forthcoming planning applications it is important to consider the cumulative impact of sites with AoS I.

## 8. Summary

8.1 In summary the Borough Council is very concerned over the following factors and formal representations as objection should be made to cover:

- the wider landscape character impact, and;
- the traffic impact on already stressed roads.
- whilst transport and landscape character matters are considered in the policy, the potential outputs are so fundamental to the impact on local communities that detailed assessments should be undertaken before an area can be designated as an AoS to avoid any adverse impacts

8.2 A number of detailed representations are necessary to cover environmental quality and community safety and neighbourhood nuisance. These relate to ensuring:

- Mitigation is in place to avoid dis-amenity and health impacts at residential properties.
- that any planning permission within the Specific Site and the AoS do not cause a breach of National Objectives for Air Quality or EU Limit values due to mineral extraction or associated transport.
- AoS policies should include a requirement for an air quality assessment compliant with Policy DM13. This is likely to provide a basis for any mitigation measures which would be required to prevent unacceptable impacts on health and amenity. This is included in the allocation policy (for SIL1) but they would expect to see the same safeguard for any site within the AoS also.
- that any planning application includes a full assessment of noise in line with the Planning Guidance, including works to attenuate noise and working hours, rather than simple reliance on CS14 and DM12. Whilst in planning terms we will expect compliance with the PPG this would

be the minimum control expected and would not necessarily protect the operator from action under the Environmental Protection Act 1990 should justified complaints of Statutory Nuisance be received.

## **9. Recommendation**

9.1 That the above points in sections 4 to 7 of the report be sent as the Borough Council's formal representations on the Norfolk County Council Pre-Submission Single Issue Silica Sand Review.

## **10. Options Considered**

10.1 No response – If the Borough Council do not respond to the consultation, there is a risk that the Council would not be meeting the obligations of the NPPF in terms of the Duty to Cooperate. There would be no opportunity to influence a plan which has wide implications for communities in the Borough.

## **11. Policy Implications**

11.1 None specifically

## **12. Financial Implications**

12.1 None

## **13. Personnel Implications**

13.1 None

## **14. Statutory Considerations**

14.1 None specifically, but it should be noted that NCC has a requirement to prepare the relevant mineral and waste plans, and the Borough Council to respond.

## **15. Equality Impact Assessment (EIA)**

15.1 Pre-screening report attached.

## **16. Risk Management Implications**

16.1 None directly.

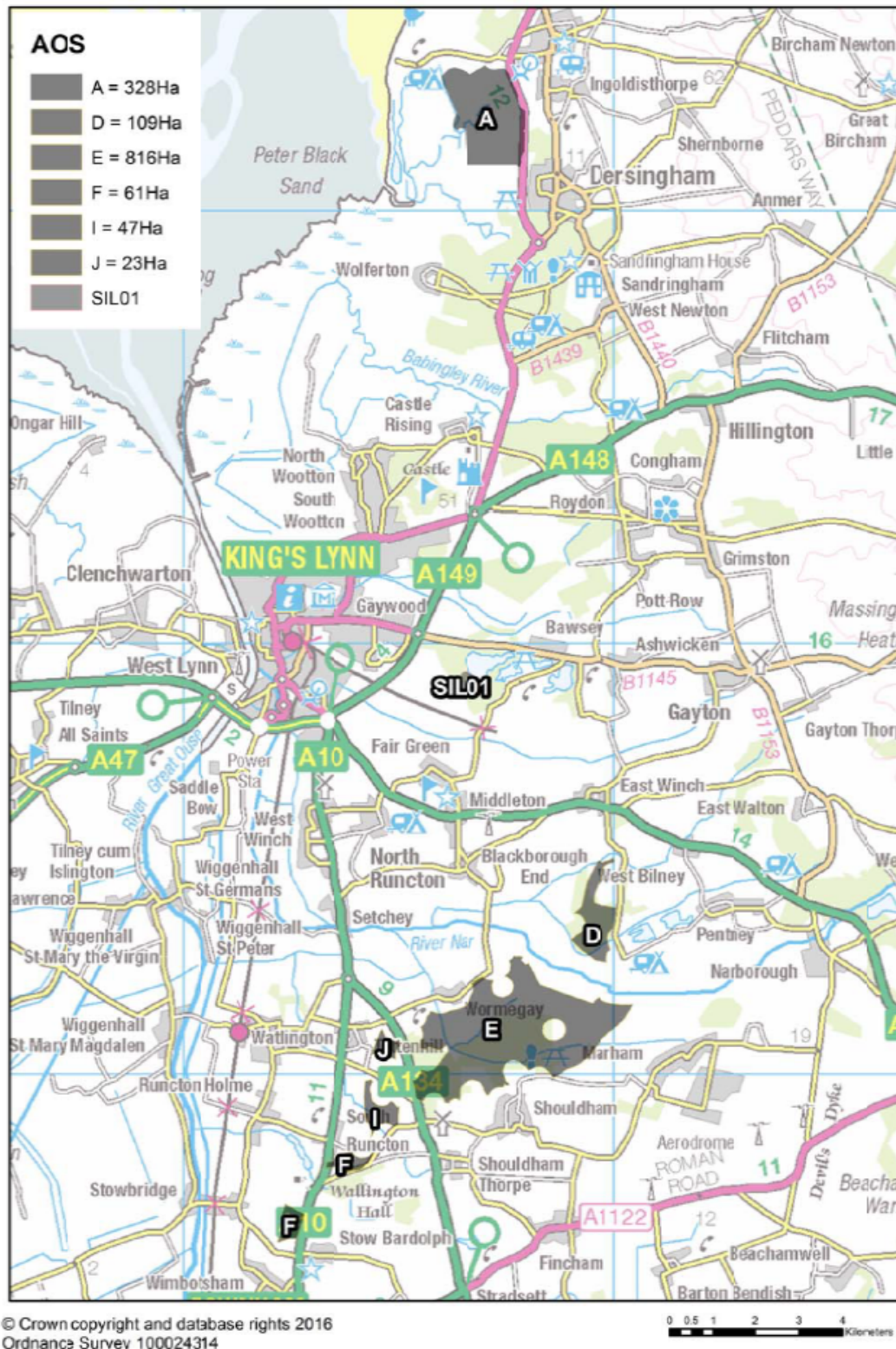
## **Declarations of Interest / Dispensations Granted**

None

## **Background Papers**

None specifically.

### Location of proposed allocation and Areas of Search





## Pre-Screening Equality Impact Assessment

Name of policy/service/function	Norfolk CC Silica Sand Review – response from the Borough Council				
Is this a new or existing policy/ service/function?	New				
Brief summary/description of the main aims of the policy/service/function being screened.  Please state if this policy/service rigidly constrained by statutory obligations	Allocation of sites for the safeguarding or extraction of silica sand.				
<b>Question</b>	<b>Answer</b>				
<b>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups <b>according to their different protected characteristic</b>, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b>  Please tick the relevant box for each group.  NB. Equality neutral means no negative impact on any group.		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (eg low income)			x	
<b>Question</b>	<b>Answer</b>	<b>Comments</b>			
<b>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</b>	Yes/ No				
<b>3. Could this policy/service be perceived as impacting on communities differently?</b>	Yes/ No	Not on the communities within the meaning of the question 1.			
<b>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</b>	Yes/ No				
<b>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</b> If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	Yes/ No	<b>Actions:</b>			
		<b>Actions agreed by EWG member:</b> .....			
<b>Assessment completed by:</b> <b>Name Alan Gomm</b>					
<b>Job title LDF Manager</b>	<b>Date 16 June 2016</b>				