

CABINET MEMBERS DELEGATED DECISION

Open/Exempt		Would any decisions proposed:		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO
	Discretionary/	Need to be recommendations to Council		YES/NO
	Operational	Is it a Key Decision		YES/NO
ALL				
Lead Member: Cllr R Blunt in consultation with Cllr I Devereux E-mail: cllr.Ian.Devereux@West-Norfolk.gov.uk cllr.Richard.Blunt@West-Norfolk.gov.uk		Other Cabinet Members consulted: None other than RB and ID		
		Other Members consulted: None		
Lead Officer: Alan Gomm E-mail: alan.gomm@west-norfolk.gov.uk Direct Dial:01553 616237		Other Officers consulted: Management Team; Dave Robson		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)				
Date meeting advertised: 3 rd December 2019		Date of meeting decision to be taken: 10 th December 2019		
Deadline for Call-In: 17 th December 2019				

NORFOLK COUNTY COUNCIL MINERALS AND WASTE LOCAL PLAN REVIEW (M&WLPR) – PREFERRED OPTIONS CONSULTATION

Summary

Comments are provided in relation to the Minerals and Waste Local Plan Review - Preferred options public consultation (Regulation 18): August/September 2019.

They suggest consideration is needed in relation to:

- The locational strategy for waste.
- Areas of search for silica sand extraction and additional consideration of how the County Council tree planting proposals affect mineral sites.
- Removal of AoS E
- Comments on new sand and gravel / carstone extraction sites at Tottenhill and East Winch.
- Summary technical comments from Borough Environmental Quality and Community Safety and Neighbourhood Nuisance teams are given.

Recommendation

That the comments in sections 3 and 4 are sent to Norfolk County Council

Reason for Decision

To provide comments as part of the consultation and reflect the interests of communities in the Borough

1. Background

1.1 The current Norfolk Minerals and Waste Local Plan is made up of three documents:

- The Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD
- The Minerals Site Specific Allocations DPD
- The Waste Site Specific Allocations DPD

These plans cover the period up to 2026. As the Core Strategy was adopted over five years ago Norfolk County Council (NCC) are now carrying out a joint review of these three plans to make sure that they are up-to-date, to extend the Plan 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 (M&WLPR).

1.2 The M&WLPR Preferred Options Consultation document includes:

- A forecast of the amount of waste needed to be planned for up to 2036 and the policies proposed to be used to decide planning applications for waste management facilities. NCC are not proposing to allocate sites for waste management facilities.
- A forecast of the amount of sand and gravel (1,868,000 tonnes per annum), carstone (121,400 tpa) and silica sand (750,000 tpa) that should be planned for up to 2036 in order to provide a steady and adequate supply of minerals. It also includes the policies to decide planning applications for mineral extraction and associated development.
- Some specific allocations for mineral extraction including areas of search for silica sand.

1.3 In addition to the Preferred Options Consultation document, the following documents are published which provide information to support the M&WLPR:

- Draft Habitats Regulations Assessment - Test of Likely Significant Effects (2019)
- Silica sands AOS E and SIL 02 - Historic Environment Impact Assessment - Designated Heritage Assets (April 2019)
- Waste Management Capacity Assessment 2017
- Sustainability Appraisal Part A - Scoping
- Draft Sustainability Appraisal report - Part B
 - Appendix A - Sustainability Appraisal tables of policies
 - Appendix B - Sustainability Appraisal tables of proposed mineral extraction sites and areas of search
 - Appendix C - Sustainability Appraisal maps of mineral extraction sites and areas of search
 - Appendix D - Sustainability Appraisal maps and tables of proposed waste management facilities

1.4 Norfolk County Council are seeking our views on the Minerals and Waste Local Plan Review - Preferred Options (Regulation 18): August/September 2019 - The full document can be found at:

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

1.5 Any comments will be published on Norfolk County Council's website. Once the Preferred Options consultation closes they will take into account the comments made and prepare a Pre-Submission version of the M&WLP Review. They will then seek representations on this, before they submit the final M&WLP for examination by a Planning Inspector on behalf of the Secretary of State.

1.6 This current consultation closes at 5pm on 30 October 2019.

2. Minerals issues / sites

2.1 **Sand and gravel and carstone** - Below is a table giving detail of the sand and gravel sites considered and those ultimately proposed for allocation.

King's Lynn and West Norfolk			
MIN 45	land north of Coxford Abbey Quarry, East Rudham	700,000	Not allocated
MIN 204	land north of Lodge Road, Feltwell	720,000	Not allocated
MIN 19 & MIN 205	land north of the River Nar, Pentney	850,000	Not allocated
MIN 74	land at Turf Field, Watlington Road, Tottenhill	160,000	Not allocated
MIN 76	land at West Field, Watlington Road, Tottenhill	285,000	Planning permission granted 18/04/2019
MIN 77	land at Runns Wood, south of Whin Common Road, Tottenhill	630,000	Not allocated
MIN 206	land at Oak Field, west of Lynn Road, Tottenhill	780,000	Allocate
MIN 32	land west of Lime Kiln Road, West Dereham	560,000	Not allocated

Carstone

Site ref.	Location	Estimated resource (tonnes)	Conclusion
MIN 6	land off East Winch Road, Mill Drove, Middleton, King's Lynn	1,416,000	Allocate

2.2 In summary eight sites have been considered for sand and gravel extraction, and two are going forward, one with permission granted, and the other as an allocation. The allocation of MIN 206 is subject to a specific policy detailing constraints and assessments needed with any application. Six were excluded from allocation as unsuitable. A site at East Winch is allocated for carstone extraction; MIN06 contains appropriate policy constraints and detailed requirements. In both instances the policies cover environmental, transport and other considerations.

2.3 **Silica Sand** - The silica sand resource in Norfolk is only located in West Norfolk. Three sites have been proposed for silica sand extraction (by Sibelco UK Ltd), with an estimated mineral resource of 20,200,000 tonnes. However, only two of these

sites with an estimated resource of 4,200,000 tonnes have been concluded to be suitable to allocate. These two sites would not meet the forecast need of 10,500,000 tonnes of silica sand during the plan period. Therefore, four areas of search will also be allocated for silica sand extraction. These four Areas of Search (AOS) are carried forward from the last consultation plan. It can be assumed that proposals to make up the need shortfall could come forward within these.

2.4 Site MIN 40 was an allocation carried forward from the current adopted Plan (2013 / 2017).

2.5 The assessments of the proposed sites and areas of search are included in the Review document.

Site ref.	Location	Estimated resource (tonnes)	Conclusion
MIN 40	land east of Grandcourt Farm, East Winch	3,000,000	Allocate
SIL01	land at Mintlyn South, Bawsey	1,200,000	Allocate
AOS E	land to the north of Shouldham	Not known	Allocate
AOS F	land to the north of Stow Bardolph	Not known	Allocate
AOS I	land to the east of South Runcton	Not known	Allocate
AOS J	land to the east of Tottenhill	Not known	Allocate
SIL 02	land at Shouldham and Marham	16,000,000	Not allocated

2.6 A site at Shouldham / Marham has been dropped as an allocation. (It should be noted that part of the previous proposal falls within AOS E, but the bulk of the previous allocation north-west of the RAF base is dropped).

2.7 There are policies elsewhere in the Plan Review to control the way in which sites are brought forward. Appendix 1 details summary technical comments from Borough Environmental Quality and Community Safety and Neighbourhood Nuisance teams about the noise / dust issues from mineral extraction proposals. The detail comments will be forwarded to the County Council separately as part of the consultation.

2.8 It is noted that there is general policy re-wording from current adopted plan. This updating to reflect the current situation is broadly accepted, **except** with reference to waste management facility location (WP2 see section 4 below).

3. Implications for the Borough from sand and gravel and silica sand policies / areas

3.1 **Tottenhill (Site 206 – West of Lynn Road)** This is an extension of existing works. The Tottenhill sites would be worked sequentially to mitigate any cumulative impacts. Potentially acceptable subject to the requirements in the policy.

3.2 A site at **East Winch** (Site MIN06 Mill Drove, Middleton) is allocated for carstone extraction. Potentially acceptable subject to the requirements in the policy.

3.3 Silica sand – **AoS's (E, F, J and I) and SIL01**. The County Council concludes that Site SIL01 is suitable to allocate for silica sand extraction. Development will be subject to compliance with the relevant Minerals and Waste Local Plan Policies and Specific Site Allocation Policy SIL01. There are reasonable safeguards for the locality.

3.4 The AoS are the same as previously expressed in the Initial Consultation document. Silica sand is a nationally important industrial mineral, and as such, the County Council must make adequate provision for its extraction. However they are not able to find suitable sites for the quantity of sand required, especially having dropped a site at Shouldham / Marham. The AoS are large and the expectation is that a suitable location could be found within one of the areas. Without detailed further information or operator preferences, it is not possible to pinpoint a site and therefore assess the localised impacts. Whilst this may be unsatisfactory for local communities who fear the consequences of extraction, it does give a positive indication that the County Council is safeguarding land and narrowing down suitable sites. It would be unrealistic to seek to have no areas of search at all, and the Plan could be found 'unsound', which would not be of benefit to the area.

Policy MP13 Silica Sand Area of Search (AoS E - Shouldham Warren area) and **Policy MP2** – Spatial Strategy for mineral extraction (including reference to Silica Sand Areas of Search, and buffer zones (clause e))

3.5 Policy MP13 provides a criterion based approach to potential development in Areas of Search, including Area E. The expectation is that various assessments about related impacts will be provided in support of any applications, covering matters such as archaeology, landscape etc. Heavy reliance is placed on the safeguards from supporting studies to achieve acceptable development.

The recent decision by Norfolk County Council (in respect of it's Environmental Policy – County Council 25 November) to support the planting of some 1 million trees over the next 5 years to mitigate for the effects of climate change suggests a significant policy shift in the important role that trees play in County Council operations. It is clear that much more attention needs to be given the retention of existing tree cover in any mineral extraction situation. Shouldham Warren is an extensive area of tree cover, with additional recreation opportunities. An elevated status needs to be given to this in the planning balance as to whether an Area of Search should be designated at Shouldham, the Borough Council view is that the County Council should remove the AoS for this reason.

Additionally, Policy MP2 provides a degree of protection for areas with defined characteristics. Clause a. refers to 'ancient' woodland. In view of the County Council decision referred to above, it would be appropriate to delete the word 'ancient', leaving an enhanced level of protection to *woodland* generally.

Conclusion on AoS E (Shouldham) – Taking into account the two proposed amendments to policies affecting the potential for extraction at Shouldham, and the significant additional constraints now evident, the AoS should be removed.

MP2 Clause e) - Whilst the hydrological catchment around Roydon Common and Dersingham Bog, is specifically mentioned in Policy MP2e for exclusion, the complex hydrology and geology of these extremely sensitive sites is not fully understood. These two habitats have been recognised through the Ramsar, SAC and SSSI designations as having protected status. The introduction of wider 1.5km buffer zones would better mitigate any risk.

3.6 Policy MP7 (relating to restoration and aftercare) suggests that preference will be given to enhancing biodiversity, green infrastructure, and high quality local landscapes. This approach is supported. Whilst not necessarily appropriate in all circumstances, tree planting on restored sites would be a useful additional boost to mitigate for climate change. It is proposed that an additional clause is added to this effect as a fifth bullet point in paragraph four to the policy.

4. Implications for the Borough from the NCC approach to proposed waste and other policies on 'energy minerals'.

4.1 NCC have reviewed the policies in the current plans and as with Minerals moved them on to an end date of 2036. One particular item is relevant to West Norfolk. This is the overall locational strategy for waste management facilities.

4.2 Main points:

- From **Policy WP2** in the Preferred Options it would seem possible to locate waste management facilities away from the broad location that generated the waste. Thus necessitating potentially significant transport movements, and possibly generating resentment from recipient communities.
- Whilst not necessarily inappropriate for all types of waste where specialist facilities are needed, extremely careful thought should be given to general waste or significant quantities requiring movement.
- A better approach would seem to be one where the policy encouraged waste to be dealt with as near to the generating source as possible.
- It is suggested our original comments are still appropriate to make.

4.3 Incineration – For the avoidance of doubt, it would be helpful if the County Council could add text to explain the position whereby the County Council will not seek to procure incinerators within Norfolk.

The position of the Borough Council on incineration is clear from previous involvement in planning inquiries. A clear statement on the matter from the County Council in the Minerals and Waste Local Plan would avoid any uncertainty for residents.

4.4 Fracking – Reference could be made to latest Government announcements about the potential restrictions / banning on this subject.

5. Borough Environmental Quality and Community Safety and Neighbourhood Nuisance teams comments

5.1 There are policies elsewhere in the Plan Review to control the way in which sites are brought forward for waste purposes. Appendix 1 details summary **technical** comments from Borough Environmental Quality and Community Safety and Neighbourhood Nuisance teams about the noise / dust issues from proposals. It does not deal specifically with the planning or other amenity issues detailed in Section 3. The detail will be forwarded to the County Council separately as part of the consultation.

6. Overall conclusion

6.1 Comments are set out above (sections 3 and 4) on the main new proposals as they could affect West Norfolk. Given the timescale for responses the original Borough Council comments have been sent to NCC as 'officer comments', with the caveat that additional points may need to be incorporated following this delegated decision.

6.2 **PLEASE NOTE** - Following consideration by the Corporate Performance Panel of the 'call in' of the matter, additional points have been incorporated into the report reflecting the discussions at CPP. (Specific reference is paragraph 3.5, 4.3 and 4.4)

7. Options Considered

7.1 The NCC consider various options for the policies and allocations in the Plan, and these are assessed in the Sustainability Appraisal for it. However, as the Borough Council we are requested to comment on the draft proposals as presented.

8. Policy Implications

8.1 None specifically for the Borough Council.

9. Financial Implications

9.1 None for the Borough Council.

10. Personnel Implications

10.1 None for the Borough Council.

11. Statutory Considerations

11.1 The Minerals and Waste Plan will ultimately become part of the Development Plan for West Norfolk, to which we will need to give appropriate weight in considering planning applications.

12. Equality Impact Assessment (EIA)

12.1 A Pre-screening EIA is not required. The Minerals and Waste Plan is a Norfolk County Council policy document and accordingly will be assessed by the County Council.

12.2 However, it would be useful to feed into the NCC Equalities considerations by identifying that the extraction of minerals may contribute to air pollution and therefore impact upon particular equality groups such as age, pregnancy and maternity, and those with disabilities.

13. Risk Management Implications

13.1 None specifically for the Borough Council.

14. Declarations of Interest / Dispensations Granted

14.1 None advised.

Background Papers

Minerals and Waste Local Plan Review - Preferred options public consultation (Regulation 18): August/September 2019 - The full document can be found at: <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/policies-and-strategies/minerals-and-waste-planning-policies/norfolk-minerals-and-waste-local-plan-review>

**Environmental Quality and Community Safety and Neighbourhood Nuisance
Summary Comments on
Waste Site Specific Allocations October 2019**

Summary:

If sites have to be progressed to the planning application stage, we would hope that sites furthest from residential dwellings are looked at primarily, as this could ensure that the impact on residential health and amenity is negligible. Clearly these sites would be preferred by us, if needed at all.

Any future applications for waste sites should be accompanied by noise, odour, dust, and air quality management schemes, which should identify potential sources and mitigation/control measures to prevent nuisance issues and health impacts (e.g. emissions from as gas flaring).

Where sites are likely to be illuminated for safety/security, lighting plans and details should also be submitted which should include where lights will be located, their heights and angle/orientation, the type of lighting and the throw and spill of light across the site, and measures to ensure light spill is contained within site boundaries.

These allocated sites have been reviewed in line with Development Management Policies DM12, DM13, and DM15 as detailed within Norfolk Minerals and Waste Development Framework

Existing Waste Site Specific Allocation Policies:

We note that WAS 05, WAS 25, WAS 36, WAS 40, WAS 37, WAS 45 and WAS 65 are no longer required and would therefore be deleted. There is therefore no risk to residential amenity from these sites.

Odour:

An odour impact assessment should be included within any future planning applications for allocated waste sites, along with suitable mitigation measures where appropriate.

Climate Change:

Climate change mitigation should be considered with regards to methane emissions (a greenhouse gas) released from allocated landfill sites.

**Environmental Quality and Community Safety and Neighbourhood Nuisance
Summary Comments on
Mineral Site Specific Allocations October 2019**

Summary:

If sites have to be progressed to the planning application stage, we would hope that sites furthest from residential dwellings are looked at primarily, as this could ensure that the impact on residential health and amenity is negligible. Clearly these sites would be preferred by us, if needed at all.

Submitted noise assessments and air quality/dust assessments should consider and include mitigation measures to deal appropriately with any potential health impacts, such as operational practices, separation/standoff areas and screening and/or bunding in line with Development Management Policies DM12 and DM13.

These allocated sites have been reviewed in line with Development Management Policies DM12, DM13, and DM15 as detailed within Norfolk Minerals and Waste Development Framework.

Lighting:

Lighting is not included in the document as this is generally something which can be considered at any proposed planning application stage; however we would hope that any proposed lighting for site security and worker safety would be carefully considered prior to the planning stage so details can be submitted with any planning application. We would assume lighting would be pole mounted in elevated positions, and therefore the throw and spread of this should be assessed to ensure that there is no impact on residents. Light should be contained within the confines of sites and positioned appropriately. If necessary lighting is located near dwellings, this should be angled away and hooded/cowled to prevent any adverse impact on residents.

Vibrations:

The potential impact from vibrations should also be considered at any future planning stage, if sites are chosen close to residential receptors – including vibrations from site operations and associated transportation of extracted materials.

Soil Stripping:

Soil stripping operations must be effectively controlled through mitigation methods (e.g. buffer zones and bunding) to reduce fugitive emissions, which pose short term health impacts on nearby residents. These mitigation measures must be included in any future planning application.

Haul Roads:

Fugitive emissions from haul roads need to be addressed in any future planning application, with mitigation planned where necessary such as wheel washing.