

# Environment, Development and Transport Committee

Item No.

<b>Report title:</b>	<b>Silica Sand Review of the Minerals Site Specific Allocations Plan: Pre-Submission and Submission stages</b>
<b>Date of meeting:</b>	<b>11 March 2016</b>
<b>Responsible Chief Officer:</b>	<b>Tom McCabe – Executive Director, Community and Environmental Services</b>
<b>Strategic impact</b> Norfolk County Council, as Minerals Planning Authority, must plan for a steady and adequate supply of industrial minerals, in accordance with National Planning Policy. The Authority has a statutory duty to produce and maintain an up-to-date Minerals Plan which forms the basis for determining any planning applications that are lodged with the Authority. The purpose of the Silica Sand Review of the adopted Norfolk Minerals Site Specific Allocations (SSA) Plan is to address the predicted shortfall in the quantity of silica sand extraction sites allocated in the Plan, by designating a specific site and areas of search which would be suitable to meet this shortfall.	

## Executive summary

The Minerals Site Specific Allocations (SSA) Plan was adopted in 2013. The Silica Sand Review of the Minerals SSA Plan is needed to address the predicted shortfall, of 2.5 million tonnes, in the quantity of silica sand extraction sites allocated in the Plan. It is expected that no more than two additional sites will be needed over the plan period (to 2026) to meet the shortfall.

In order to address the shortfall, the Pre-Submission version of the Silica Sand Review contains one specific site, with an estimated resource of 1.2 million tonnes, and six defined areas of search within which planning permission may be granted for future silica sand extraction. The Pre-Submission document contains policies detailing the requirements that a planning application for silica sand extraction within the specific site or an area of search will need to address.

This report provides information on the proposed site and defined areas of search and contains the proposed Pre-Submission document, draft Sustainability Appraisal Report and draft Habitats Regulations Assessment. The next stage in the review process is to publish the Pre-Submission document to enable a six-week formal representations period to take place, followed by submission of the Pre-Submission document (and supporting/background information) and the representations received, to the Secretary of State for examination. The Silica Sand Review will help ensure that attention is focused on suitable extraction areas within the silica sand resource. Uncertainty and unwarranted pressure on unsuitable sites would therefore be avoided.

### Recommendations:

**EDT Committee is asked to recommend County Council to:**

- 1. Authorise the Executive Director of CES to make any further necessary minor corrections, factual updates, formatting changes and other non-material changes that are identified prior to the publication of the Silica Sand Review Pre-Submission document;**

- 2. Agree the publication of the Silica Sand Review Pre-Submission document (incorporating any later suggested modifications approved under recommendation 1), for representations to be made, over a six-week period during May and June 2016, in accordance with Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- 3. Authorise the Executive Director of CES, in consultation with the Chair and Vice-Chair of EDT Committee, to review the Pre-Submission representations made. If no fundamental weaknesses are identified, submit the Silica Sand Review (and supporting/background information) for independent examination in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 4. Authorise the Executive Director of CES to grant the Inspector the power to formally request that he/she makes any necessary main modifications under section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended) that he/she judges necessary to make the Silica Sand Review of the Minerals Site Specific Allocations Plan 'sound'; and**
- 5. Authorise the Executive Director of CES to propose and/or agree appropriate amendments/modifications to the Silica Sand Review during the examination stage.**

## **1. Proposal**

- 1.1. The Minerals Site Specific Allocations Plan (Minerals SSA Plan), which was adopted in October 2013, contains a requirement imposed by the Secretary of State, for a Silica Sand Review of the Plan to be completed by 2016. This report is regarding the Pre-Submission stage in the Silica Sand Review process, which consists of the Pre-Submission document, the Sustainability Appraisal Report (Parts A and B), the Habitats Regulations Assessment and Flood Risk Sequential Test.
- 1.2. The background to the need for a Silica Sand Review, the review process, the need for silica sand extraction and its uses were detailed in the report taken to the January 2015 EDT Committee.
- 1.3. A total of 9 million tonnes of silica sand is forecast to be needed from Norfolk over the plan period (to 2026). The Silica Sand Review of the Minerals SSA Plan is needed to address the predicted shortfall, of 2.5 million tonnes, in the quantity of silica sand extraction sites allocated in the Plan. It is expected that no more than two additional extraction sites will be needed over the plan period to meet this shortfall.
- 1.4. The purpose and content of the Preferred Options Consultation were detailed in the report taken to the 16 October 2015 EDT Committee. The Preferred Options Consultation document contained an assessment of the specific site (SIL01) at Bawsey and a draft site policy; details of the process used to define areas of search; an assessment of ten potential areas of search and a draft area of search policy.
- 1.5. The Pre-Submission document allocates one specific site for silica sand extraction, proposed by Sibelco UK Ltd in response to the 'call for sites' which was held in June 2015. This specific site is at Bawsey and is estimated by Sibelco UK Ltd to have a mineral resource of 1.2 million tonnes.
- 1.6. The mineral resource in this one site is not enough to meet the silica sand shortfall on its own and planning officers have therefore defined areas of search to meet the shortfall. Areas of search are defined in the National Planning Practice Guidance (NPPG) as "areas where knowledge of mineral resources may be less certain, but within which planning permission may be granted,

particularly if there is a potential shortfall of supply”. Therefore the areas of search are large areas within which planning permission for silica sand extraction may be granted on a smaller area of land. It is estimated that approximately 40 hectares of land from within the areas of search and/or the specific site would need to be developed for silica sand extraction during the plan period to 2026. The total size of the six areas of search contained in the draft Pre-Submission document is 1,384 hectares. The approach to be taken in defining areas of search for silica sand extraction formed part of the Initial Consultation. An assessment of the suitability of the ten defined areas of search formed part of the Preferred Options Consultation.

- 1.7. The Pre-Submission version of the Silica Sand Review contains only the specific site (SIL01) and six areas of search which are considered suitable for silica sand extraction. The Pre-Submission document contains policies detailing the requirements that a planning application for silica sand extraction within the specific site or an area of search will need to address.
- 1.8. Areas of search AOS B and AOS C have been excluded from the Pre-Submission document due to a number of constraints, including potential landscape and ecology impacts, as detailed in the Preferred Options Consultation document. In addition, AOS G and AOS H have been excluded from the Pre-Submission document. An existing permitted silica sand extraction site is located within part of AOS G. Once the land within the existing mineral working has been removed from AOS G, the remaining proportion of AOS G is only 13 hectares. Site SIL01 is located over a portion of AOS H. Once the land within SIL01 has been removed from AOS H, the remaining proportion of AOS H is only 16 hectares. In the process used to define all the areas of search in the Silica Sand Review, the minimum size that is considered to be a deliverable area of search is 20 hectares. Therefore, AOS G and AOS H are not included in the Pre-Submission document.
- 1.9. The boundaries of all of the areas of search contained in the Pre-Submission document have been amended since the Preferred Options Consultation. Some areas of search have been amended simply to remove small pieces of land which were separated from the main area of search by a road. Other areas of search have been amended to address significant constraints, as highlighted in the area of search assessments contained in the Preferred Options Consultation document.
- 1.10. The table below compares the site and areas of search allocated in the draft Pre-Submission document with the site and areas of search contained in the Preferred Options document.

Reference	Preferred Options	Pre-Submission	Parish
	Size (hectares)		
SIL 01	21	21	Bawsey
AOS A	548	328	Ingoldisthorpe, Snettisham, Dersingham
AOS B	240	excluded	Heacham, Snettisham
AOS C	65	excluded	Hillington, Flitcham with Appleton
AOS D	142	109	East Winch, Pentney
AOS E	979	816	Wormegay, Shouldham, Marham, Shouldham Thorpe
AOS F	234	61	Runcton Holme, Stow Bardolph
AOS G	32	excluded	Bawsey
AOS H	29	excluded	Bawsey
AOS I	52	47	Runcton Holme, Shouldham Thorpe, Tottenham

AOS J	24	23	Tottenham, Wormegay
<b>Total size</b>	<b>2,368</b>	<b>1,405</b>	

- 1.11. The site and the defined areas of search cover a much larger area (1,405 hectares) than is required for silica sand extraction over the plan period to 2026 (approx. 40 hectares). This situation is to be expected due to the purpose and definition of areas of search.
- 1.12. In accordance with the Planning Inspector's comments on the Minerals SSA Plan, the Silica Sand Review will help ensure that attention is focused on suitable extraction areas within the silica sand resource. Avoiding areas that are unsuitable, due to constraints, will remove uncertainty and unwarranted pressure on unsuitable sites.
- 1.13. The first stage in the Silica Sand Review was the six week Initial Consultation, which took place from 9 March to 20 April 2015. The Initial Consultation document set out the proposed process of the Silica Sand Review and asked how the different environmental, landscape, heritage and amenity constraints should be dealt with when defining areas of search for future silica sand extraction in the Silica Sand Review. Comments were received from 18 organisations (including 5 parish councils) and one individual. In addition, 'no comment' responses were received from nine organisations. The comments received were taken into account by officers to determine the criteria used to define areas of search for future silica sand extraction.
- 1.14. The second stage in the Silica Sand Review was the six week Preferred Options Consultation, which took place from 6 November to 21 December 2015. The Preferred Options Consultation contained one specific site, proposed by Sibelco UK Ltd, and ten defined areas of search. Comments were received from 18 organisations (including three parish councils) and 11 individuals. In addition, 'no comment' responses were received from eight organisations. Comments were also received on the accompanying Initial Sustainability Appraisal Report from three organisations. Comments were also received from Natural England on the accompanying Habitats Regulations Assessment (Task 1). The comments received and the planning officers' response to each comment have been published in the 'Preferred Options Consultation Feedback Report' (January 2016) (included as a background paper to this report).
- 1.15. The comments received in response to the Preferred Options Consultation were taken into account by officers in producing the Pre-Submission document, including revising the boundaries of the areas of search.
- 1.16. The next stage in the Silica Sand Review process is the proposed publication of the Pre-Submission document. The Pre-Submission document must be published for at least a six week period to enable representations to be made on whether or not the document is legally compliant and 'sound' (positively prepared, justified, effective, and consistent with national policy) in accordance with paragraph 182 of the National Planning Policy Framework. The responses received during the formal representations period will be provided to the Planning Inspector when the Silica Sand Review is submitted for examination.
- 1.17. 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 Localism Act 2011). In accordance with the adopted Statement of Community Involvement, the Pre-Submission 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.

### **Next steps**

- 1.18. **Submission** - If no fundamental issues are raised during the Pre-Submission representations period, the Council will submit the plan and relevant background/supporting information, together with all the representations received, to the Secretary of State (Summer 2016)
- 1.19. **Examination and Inspector's report** - 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. (Autumn 2016)
- 1.20. **Adoption** - 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 form part of the Minerals SSA Plan. (Spring 2017)
- 1.21. **Planning applications** – Developers wanting to extract mineral from specific sites or land within an area of search allocated in the Mineral SSA Plan will still need to apply for and be granted planning permission before mineral extraction can take place. Planning permissions are often granted subject to conditions to mitigate potential adverse impacts from site operations and mineral extraction sites are monitored on a regular basis. As a strategically important industrial mineral, there are two different processes which a prospective developer could use to apply for permission for silica sand extraction. A planning application could be submitted to Norfolk County Council for determination, or alternatively an application for a Development Consent Order could be submitted to the Planning Inspectorate to be determined as a Nationally Significant Infrastructure Project. The adopted Development Plan would be a material consideration in the determination of an NSIP, including the outcome of this review.

## **2. Evidence**

- 2.1. At the examination of the Minerals SSA Plan the Planning Inspector required an early Silica Sand Review of the Plan. This requirement is included in the adopted Minerals SSA Plan. The contents of the Pre-Submission document could be changed if Members consider it appropriate, as long as the document and the process continue to comply with the relevant legislation, policy and guidance.
- 2.2. The National Planning Practice Guidance (NPPG) states that mineral planning authorities should plan for the steady and adequate supply of minerals in one or more of the following ways (in order of priority):
  1. designating Specific Sites – where viable resources are known to exist, landowners are supportive of mineral development and the proposal is likely to be acceptable in planning terms. Such sites may also include essential operations associated with mineral extraction;
  2. designating Preferred Area, which are areas of known resources where planning permission might reasonably be anticipated. Such areas may also include essential operations associated with mineral extraction; and/or
  3. designating Areas of Search – areas where knowledge of mineral resources may be less certain but within which planning permission may be granted, particularly if there is a potential shortfall in supply.
- 2.3. In line with this guidance a 'call for sites' was made in June 2015 for landowners and mineral operators to submit land to be considered as specific sites for future silica sand extraction. Sibelco UK Ltd is the only silica sand company currently operating in Norfolk and it was the only respondent to the 'call for sites'. Sibelco UK Ltd submitted one specific site, with an estimated mineral resource of 1.2 million tonnes, which is less than the 2.5 million tonnes of silica sand needed to

meet the shortfall over the plan period. As proposed in the Initial Consultation document, planning officers therefore defined Areas of Search to meet the shortfall, within which planning permission may be granted for future silica sand extraction.

- 2.4. The Preferred Options Consultation document explained the process used to define the initial ten areas of search, contained an assessment of the proposed specific site and the defined areas of search and their suitability for future silica sand extraction. Comments received from consultees and planning officers' responses to them have been published in the Preferred Options Consultation Feedback Report.
- 2.5. Following the Preferred Options Consultation, areas of search AOS B and AOS C have been excluded from the Pre-Submission document due to a number of constraints, including potential landscape and ecology impacts. In addition, AOS G and AOS H have been excluded from the Pre-Submission document, following amendments (detailed in paragraph 1.8 of this report) which led to these areas of search each falling below 20 hectares in size.
- 2.6. The boundaries of all of the areas of search contained in the Pre-Submission document have been amended since the Preferred Options Consultation. Some areas of search have been amended simply to remove small pieces of land which were separated from the main area of search by a road. Other areas of search have been amended to address significant constraints, as highlighted in the area of search assessments contained in the Preferred Options Consultation document.
- 2.7. The process used to define the areas of search has been assessed in the Sustainability Appraisal (SA) Report (Part B). A Sustainability Appraisal has also been undertaken on the specific site and all defined areas of search. A Habitats Regulations Assessment (HRA) has also been carried out on the specific site and areas of search. The HRA concluded that there would be no adverse effects on the integrity of the designated SPAs, SACs or Ramsar sites from a silica sand extraction site located within specific site SIL01 or any of the six allocated areas of search. Both the Sustainability Appraisal and the HRA will be published along with the Pre-Submission document and are provided as appendices to this report.
- 2.8. Due to the current shortfall in allocated silica sand extraction sites, without the Silica Sand Review there would be uncertainty over the location of future silica sand extraction for both the minerals industry and local communities which could lead to pressure to grant planning permission for extraction at less suitable sites due to the national importance of silica sand.

### **3. Financial Implications**

- 3.1. To minimise publications costs throughout the Silica Sand Review process, all stakeholders, including parish councils, are consulted online wherever possible. Notwithstanding these savings the Silica Sand Review will give rise to additional costs, which will be managed by the service. These costs were detailed in the report taken to EDT Committee in January 2015 and have been revised to show the remaining costs expected in 2016/17 only. The costs are as follows:
- 3.2. Based on the experience of previous planning policy production, costs including officer time in the collection of evidence, formulation of policy and assessment of consultation responses and:

	Year	Estimated costs
Publication of consultation documents	2016/17	£15,000
Advertising costs	2016/17	£1,800
Planning Inspector costs for examination	2016/17	£20,000

Programme officer costs for examination	2016/17	£3,000
Venue hire for examination hearings	2016/17	£750
Total estimated Costs		£40,550

These costs will vary depending on the level of public engagement with the process and the duration of the examination hearings. As stated above consultation is carried out via the internet and email wherever possible as this maximises savings in both cost and time. However there is still a need for some hard copies of consultation documents and Pre-Submission 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. The Silica Sand Review process must be carried out in accordance with the relevant planning legislation. The legal compliance of the Plan will form part of the examination carried out by an independent Planning Inspector in 2016.
- 4.2. The environmental implications of the Silica Sand Review have been formally assessed as part of the review process, through the Sustainability Appraisal and the Habitats Regulations Assessment which must be carried out in accordance with the relevant legislation and include formal consultation stages.
- 4.3. The specific site and areas of search contained in the Pre-Submission document have been selected on the basis of their suitability, taking into account material planning considerations, including the Sustainability Appraisal objectives. No inequalities in outcomes have been identified as a result of the allocation of the specific site and six areas of search contained in the Pre-Submission document.

#### **5. Background**

- 5.1. Silica sand is a nationally important industrial mineral and the primary use for silica sand extracted in Norfolk is glass making. Recent British Geological Survey data shows that over 40% of the silica sand produced for glass manufacture in Great Britain was from Norfolk. The silica sand resource in Norfolk is found in a relatively narrow band which runs north to south just to the east of King's Lynn. The northern extent of the silica sand resource is at Heacham and the southern extent around Hilgay. The area of current extraction is centred on the parish of Leziate. A silica sand processing plant is located at Leziate, together with a railhead. The majority of the processed silica sand is transported out of Norfolk by rail.
- 5.2. Only one silica sand site was allocated in the Minerals SSA Plan, for the extraction of 3 million tonnes of mineral over the plan period to 2026. This left a shortfall of 2.5 million tonnes, in the allocated tonnage of silica sand towards the end of the plan period (about 2023/24). This shortfall is based on the quantity of silica sand in existing sites with planning permission (3.5 million tonnes at 31/12/2014), the one allocated site for 3 million tonnes and the forecast that around 750,000 tonnes of silica sand will be extracted from Norfolk per annum.
- 5.3. This calculation is shown in the table below:

Requirement: Expected production of 750,000 tonnes per annum x 12 years (2015-2026)	9.00 million tonnes
Silica sand reserve estimate at 31/12/2014	3.5 million tonnes
Estimated resource in allocated site MIN 40	3.0 million tonnes
Remaining shortfall	2.5 million tonnes
The 2.5 million tonnes shortfall is equivalent to a need for less than 3.5 years'	

additional supply over the period of the Core Strategy (to 2026)

#### 5.4. **Background Papers**

[Minerals Site Specific Allocations DPD – Single Issue Silica Sand Review – Initial Consultation Document \(January 2015\)](#)

[Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review – Preferred Options Consultation \(October 2015\)](#)

[Silica Sand Review - Initial Sustainability Appraisal Report \(Part A\) Scoping](#)

[Silica Sand Review - Initial Sustainability Appraisal Report \(Part B\) Non-Technical Summary and Chapters 1-4](#)

[Silica Sand Review - Initial Sustainability Appraisal Report \(Part B\) Chapters 5-9](#)

[Silica Sand Review - Habitats Regulations Assessment \(Task 1\)](#)

[Silica Sand Review – Preferred Options Consultation Feedback Report \(February 2016\)](#)

[16 October 2015 EDT Committee Report on the Silica Sand Review of the Minerals SSA Plan](#)

[16 January 2015 EDT Committee Report on the Silica Sand Review of the Minerals SSA Plan](#)

[Norfolk Minerals Site Specific Allocations DPD \(October 2013\)](#)

[Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 \(September 2011\)](#)

[Norfolk Minerals and Waste Local Development Scheme \(June 2013\)](#)

[Norfolk Statement of Community Involvement \(April 2012\)](#)

[Norfolk Local Aggregate and Silica Sand Assessment 2013-2014](#)

[National Planning Policy Framework \(DCLG, March 2012\)](#)

The Town and Country Planning (Local Planning) (England) Regulations 2012

<http://www.legislation.gov.uk/ukxi/2012/767/regulation/10/made>

Localism Act (2011)

<http://www.legislation.gov.uk/ukpga/2011/20/contents>

#### **Appendices**

[A. Minerals Site Specific Allocations Plan – Single Issue Silica Sand Review – Pre-Submission document](#)

[B. Minerals Site Specific Allocations Plan – Single Issue Silica Sand Review – Sustainability Appraisal Report – Part B](#)

[C. Minerals Site Specific Allocations Plan – Single Issue Silica Sand Review – Habitats Regulations Assessment](#)

[D. Minerals Site Specific Allocations Plan – Single Issue Silica Sand Review – Flood Risk Sequential Test](#)

## **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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