

ETD delegated decision report – Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review - Submission

1. Background

- 1.1. Norfolk County Council, as the 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 for mineral extraction that are lodged with the Authority.
- 1.2. 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. The purpose of the Silica Sand Review is to address the predicted shortfall, of 2.6 million tonnes, 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. It is expected that no more than two additional sites will be needed over the plan period (to 2026) to meet the shortfall. The Silica Sand Review will help ensure that attention is focused on suitable extraction areas within the silica sand resource.
- 1.3. On 11 April 2016 full Council agreed to the publication of the Pre-Submission version of the Silica Sand Review for a six week representations period, in accordance with Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This representations period took place from 16 May to 27 June 2016.
- 1.4. Following a review of the representations received, on 10 August 2016 a delegated decision was taken for the publication of the 'Pre-Submission Addendum: Modifications' to the Silica Sand Review, for a six week representations period, in accordance with Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The modifications can be summarised as follows:
 - Amending the southern boundary of Area of Search AOS D to move it northwards to within the existing woodland.
 - Area of search AOS A is no longer allocated and will therefore be deleted from the Silica Sand Review
 - Amending the Areas of Search Policy requirements for a Landscape and Visual Impact Assessment and Heritage Statement
 - Amending the Specific Site Policy SIL01 requirements for a Landscape and Visual Impact Assessment.
- 1.5. The 'Pre-Submission Addendum: Modifications' representations period took place for six weeks from 14 September to 27 October 2016. The number of responses received is detailed in paragraph 5.3 of this report. The majority of representations received were objections to area of search AOS D (land in the vicinity of West Bilney Wood).

1.6. The decisions on 11 April 2016 and 10 August 2016 both authorised the Executive Director of CES, in consultation with the Chair and Vice-Chair of EDT Committee, to review the representations received and if no fundamental weaknesses are identified, submit the Silica Sand Review (and supporting/background information) for independent examination.

1.7. The main issues raised in the representations from organisations and individuals, on each of the Modifications, along with the Planning Officer response, is provided in the Modifications Feedback Report (provided as a background paper to this report).

2. **Decision and reasons why the decision is being made**

2.1. Having reviewed the representations received in response to the 'Pre-Submission Addendum: Modifications', no fundamental weaknesses have been identified. Therefore it is proposed to submit the Silica Sand Review to the Planning Inspectorate (on behalf of the Secretary of State) in December 2016, for independent examination.

2.2. Three minor modifications to the Silica Sand Review are also proposed to be submitted. These minor modifications are statements of fact and make changes to the supporting text only. The minor modifications are listed in the appendix to this report and do not affect the soundness of the Silica Sand Review. Delegated authority was given to the Executive Director of CES by full Council on 11 April 2016 to propose appropriate modifications to the Silica Sand Review.

2.3. Following the Pre-Submission representations stage, the next stage in the process of the Silica Sand Review is the submission of the plan for examination. The purpose of the examination is for the Planning Inspector to decide whether or not the plan is sound and legally compliant. If the Inspector finds the plan legally compliant and sound then the Council can decide to adopt the plan. On adoption the Single Issue Silica Sand Review would become part of the adopted Minerals Site Specific Allocations DPD and would be a statutory part of the development plan for the County.

3. **Alternative options considered**

3.1. The alternative option is not to submit the Silica Sand Review to the Secretary of State. If the Silica Sand Review is not submitted to the Secretary of State, then the plan will not progress to examination or adoption. Without the Silica Sand Review, insufficient sites and areas of search would be allocated in the Minerals Site Specific Allocations DPD to meet the forecast need for silica sand set out in the adopted Minerals and Waste Core Strategy.

3.2. Therefore, not submitting the Silica Sand Review would result in the process being deferred until the production of the Norfolk Minerals and Waste Local Plan Review. The current adopted timescale for a full replacement of the Minerals and Waste Local Plan is for the process to start in 2017 with adoption of the Minerals and Waste Local Plan by the end of 2019. In the interim there would not be an up-to-date plan for silica sand extraction.

3.3. 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.

4. Risks and implications

- 4.1. The financial implications of submitting the Silica Sand Review for examination were detailed in the reports taken to EDT Committee in January 2015 and March 2016. These costs will be managed by the service.
- 4.2. 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 2017.
- 4.3. The environmental implications of the Single Issue 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.
- 4.4. The specific site and areas of search contained in the Silica Sand Review 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 Single Issue Silica Sand Review.
- 4.5. The submission of the Silica Sand Review to the Secretary of State will include the Pre-Submission document, Modifications and relevant background/supporting documents, together with all representations received during both the original Pre-Submission representations period and the Modifications representations period.
- 4.6. Officers consider that the Pre-Submission version of the Silica Sand Review, as amended by the 'Pre-Submission Addendum: Modifications' is sound and legally compliant. As part of the examination of the Silica Sand Review, a Planning Inspector will consider the objections received and will decide whether the document is sound and legally compliant.
- 4.7. Developers wanting to extract mineral from specific sites or land within an area of search allocated in the Minerals Site Specific Allocations 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.

5. Consultations

- 5.1. An Initial Consultation on the Silica Sand Review took place from 9 March to 20 April 2015. Responses were received from 27 organisations and 1 individual. The Preferred Options Consultation took place from 6 November to 21 December 2015. Responses were received from 26 organisations and 11 individuals. The comments received were taken into account by officers in producing the Pre-Submission document, including revising the boundaries of the areas of search.
- 5.2. The representations period on the Pre-Submission version of the Silica Sand Review took place from 16 May to 27 June 2016. Responses were received from 900 individuals and organisations. The majority of the respondents were individuals objecting to area of search AOS A (land west of Snettisham, Ingoldisthorpe and Dersingham). The main issues raised in the representations from organisations and individuals, on each section of the Pre-Submission document, along with the Planning Officer response, is provided in the Pre-Submission Feedback Report.
- 5.3. The representations period on the Silica Sand Review 'Pre-Submission Addendum: Modifications' took place from 14 September to 27 October 2016. The following table details the number of responses received to each part of the document and

each modification.

Document section	Respondents	Objectors	Support	Object	Comment	Total representations
Whole document	8	0	1	0	7	8
Actions to be taken	1	1	0	1	0	1
AOS A	3	2	1	2	0	3
AOS D	50	45	2	46	3	51
Specific Site Policy SIL01	4	2	2	2	0	4
Areas of search policy	2	0	2	0	0	2
Changes to Habitats Regulations Assessment	1	0	0	0	1	1
Changes to Sustainability Appraisal Report – Part B	1	0	0	0	1	1
TOTAL	57	46	8	51	12	71

5.4. The majority of respondents to the 'Pre-Submission Addendum: Modifications' were individuals objecting to area of search AOS D (land in the vicinity of West Bilney Wood). These individuals were not objecting to the modification to the boundary of AOS D, but they were objecting to the allocation of AOS D. A petition, objecting to silica sand extraction within AOS D, was also received with 117 signatures.

5.5. The main issues raised in the representations from organisations and individuals, on each of the Modifications, along with the Planning Officer response, is provided in the Modifications Feedback Report.

5.6. The following specific consultation bodies responded to the representations period on the Modifications:

- Borough Council of King's Lynn and West Norfolk (supported all four modifications - see Feedback Report)
- Kent County Council (supported the approach taken in the Silica Sand Review, but had no comments to make on the modifications – see Feedback Report)
- Norwich City Council (no comments)
- Peterborough City Council (no comments)
- East Winch Parish Council (objected to AOS D - see Feedback Report)
- Leziate Parish Council (objected to the route from AOS D to the processing plant - see Feedback Report)
- Middleton Parish Council (objected to traffic movements from AOS D to the processing plant - see Feedback Report)
- Old Catton Parish Council (no comments)
- Historic England (supported the modifications to the Areas of Search Policy and Policy SIL01, supported the modification to the boundary of AOS D - see Feedback Report)
- Natural England (considered the proposed modifications to be sound and justified and commented on the Habitats Regulations Assessment and Sustainability Appraisal Report – see Feedback Report)
- Anglian Water Services Ltd (commented on location of public water main in relation to AOS D – see Feedback Report)

5.7. The following general consultation bodies responded to the representations period on the Modifications:

- Middle Level Commissioners (IDB) (no comments)
- Mineral Products Association (objected to the modification to not allocate AOS A, objected to the modification to the boundary of AOS D, objected to the modification to Policy SIL01- see Feedback Report)
- Sibelco UK (objected to the modification to not allocate AOS A, objected to the modification to Policy SIL01 - see Feedback Report)

5.8. The responses received during the Modifications representations period, along with all responses received during the original representations period on the Pre-Submission document (16 May to 17 June 2016) will be provided to the Planning Inspector when the Silica Sand Review is submitted for examination.

6. Recommendation on decision to be taken

- 6.1.
1. To 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.
 2. To submit the minor modifications to the Silica Sand Review and Sustainability Appraisal Report detailed in Appendix 1 to this report.

Background papers/further information

Appendix 1 – minor modifications

Single Issue Silica Sand Review – Pre-Submission Addendum: Modifications – Feedback Report (November 2016)

Officer Contact

Name	Telephone Number	Email address
Caroline Jeffery	01603 222193	Caroline.jeffery@norfolk.gov.uk

I/we confirm approval of the recommendation detailed above:-

Name	<u>Tom McCabe</u>	Signature	<u>Via email</u>
Date	<u>21/11/2016</u>	Position/title	<u>Executive Director of CES</u>

Name	<u>Cllr Martin Wilby</u>	Signature	<u>Via email</u>
Date	<u>21/11/2016</u>	Position/title	<u>Chair of EDT Committee</u>

Name	<u>Cllr Jonathon Childs</u>	Signature	<u>Via email</u>
Date	<u>21/11/2016</u>	Position/title	<u>Vice Chair of EDT Committee</u>