

Environment, Development and Transport Committee

Item No.

Report title:	Silica Sand Review of the Minerals Site Specific Allocations Plan
Date of meeting:	16 October 2015
Responsible Chief Officer:	Tom McCabe - Executive Director, Community and Environmental Services

Strategic impact

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 sites or areas which would be suitable to meet this shortfall.

Executive summary

The Silica Sand Review of the Minerals Site Specific Allocations (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 one or two additional sites will be needed over the plan period (to 2026) to meet the shortfall. One specific site, with an estimated resource of 1.2 million tonnes, was submitted in response to the 'call for sites' in June 2015. As insufficient potential specific sites have been submitted, planning officers have therefore defined areas of search to meet the shortfall, within which planning permission may be granted for future silica sand extraction. Developers will be steered towards these areas of search when looking for suitable sites. This approach was proposed in the Initial Consultation document. This report provides information on the proposed site and defined areas of search and contains the proposed Preferred Options Consultation document, draft Initial Sustainability Appraisal Report and draft Habitats Regulations Assessment (Task 1). The next stage in the review process is to consult with stakeholders, including parish councils and the public, on the Preferred Options document, which contains one specific site and ten areas of search to be considered for future silica sand extraction. 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:

- 1) Agree to the publication of the Preferred Options Consultation document, the draft Initial Sustainability Appraisal Report and the draft Habitats Regulations Assessment for a six week consultation period;**
- 2) Delegate to the Executive Director of Community and Environmental Services, in consultation with the Chairman and Vice-Chairman of EDT committee the power to make minor corrections and non-material changes that are identified prior to the issue of the consultation documents.**

1. Proposal (or options)

- 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 second public consultation stage in the Silica Sand Review process which consists of the Preferred Options Consultation document, the draft Initial Sustainability Appraisal Report (Parts A and B) and the draft Habitats Regulations Assessment (Task 1).
- 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 one or two additional extraction sites will be needed over the plan period to meet this shortfall.
- 1.4. The Preferred Options Consultation document contains one specific site for silica sand extraction, proposed by Sibelco UK in response to the 'call for sites' which was held during June 2015. This specific site is at Bawsey and is estimated by Sibelco to have a mineral resource of 1.2 million tonnes. This site has been assessed as part of the Silica Sand Review.
- 1.5. If the proposed site at Bawsey is assessed to be suitable for silica sand extraction, in planning terms, 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 ten areas of search contained in the Preferred Options Consultation document is 2,347 hectares. The approach to be taken in defining areas of search for silica sand extraction formed part of the Initial Consultation.
- 1.6. The areas of search have been defined using the following methodology:
 - a. The starting point for the areas of search is the extent of the Leziate Beds silica sand resource
 - b. The Norfolk Coast Area of Outstanding Natural Beauty has been excluded
 - c. All registered ancient woodland and 250 metres around them has been excluded
 - d. All SSSIs and 250 metres around them has been excluded (except for Roydon Common and Dersingham Bog – see below)
 - e. The hydrological catchments for Roydon Common and Dersingham Bog have been excluded
 - f. Registered Common Land has been excluded
 - g. Designated heritage assets (Listed Buildings, Scheduled Monuments, registered historic parks and gardens, Conservation Areas) and 250 metres around each heritage asset has been excluded
 - h. Sensitive receptors to amenity impacts (residential dwellings, educational facilities, workplaces, healthcare and leisure facilities)

- i. Agricultural land grades 1 and 2 have been excluded
- j. Allocated, current and restored mineral extraction sites have been excluded
- k. The areas of the Leziate beds silica sand resource that were remaining at this point were all potential areas of search
- l. Potential areas of search below 20 hectares in size have not been taken further
- m. The remaining ten areas of search are above 20 hectares in size and are included in the draft Preferred Options Consultation document

Explicit confirmation of landowner willingness is not a requirement for areas of search and therefore has not been requested at this stage.

- 1.7. The areas of search in the Preferred Options Consultation document are as follows:

Reference	Size (hectares)	Parish
AOS A	548	Ingoldisthorpe, Snettisham, Dersingham
AOS B	240	Heacham, Snettisham
AOS C	65	Hillington, Flitcham with Appleton
AOS D	142	East Winch, Pentney
AOS E	979	Wormegay, Shouldham, Marham, Tottenhill, Shouldham Thorpe
AOS F	234	Runcton Holme, Stow Bardolph
AOS G	34	Bawsey
AOS H	29	Bawsey
AOS I	52	Runcton Holme, Shouldham Thorpe, Tottenhill
AOS J	24	Tottenhill
Total size	2,347	

- 1.8. The defined areas of search contained in the Preferred Options Consultation document cover a significantly larger area than is required for silica sand extraction over the plan period to 2026. This situation is to be expected due to the purpose and definition of areas of search. However, this also means that there is flexibility for the boundaries of the areas of search to be amended or for some areas of search to not be taken forward into the Submission version of the Silica Sand Review. Based on the information currently available, our opinion is that AOS B and AOS C are considered unsuitable to be taken forward due to a number of constraints, including potential landscape and ecology impacts. Large areas of AOS F are considered unsuitable to be taken forward due to landscape and historic environment impacts. However, all the areas of search listed above are included in the draft Preferred Options Consultation document, along with our assessments. This will enable consultation comments, both positive and negative, to be made on all potential areas of search, to support an informed and transparent decision making process. Decisions on whether areas of search should be amended or removed will be made after the Preferred Options consultation, taking into account the responses received.

- 1.9. 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.

- 1.10. The first stage in the Silica Sand Review process 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 different environmental, landscape, heritage and amenity constraints should be dealt with when assessing sites and defining areas of search for future silica sand extraction. Comments on the Silica Sand Review were received from 17 organisations (including five parish councils) and one individual. In addition, 'no comment' responses were received from nine organisations. Comments were also received on the accompanying Sustainability Appraisal Scoping Report from seven organisations. The comments received and the planning officers' response to each comment has been published in the 'Initial Consultation Feedback Report' (June 2015) (included as a background paper to this report).
- 1.11. The comments received in response to the Initial Consultation were taken into account by officers in detailing the information to be submitted with proposals for specific sites and to determine the criteria used to define areas of search for future silica sand extraction. The responses to the Sustainability Appraisal Scoping Report were used to include additional information in the Scoping Report and to amend the sustainability indicators and objectives.
- 1.12. The next stage in the Silica Sand Review process is the proposed six week consultation on the Preferred Options. The Preferred Options stage of the process includes consultation with stakeholders, including parish councils and the public on the suitability of the specific site and ten areas of search for future silica sand extraction. The planning policy process is front loaded so that stakeholders are consulted at an appropriate stage early in the process. The consultation responses received will inform the Pre-Submission version of the Silica Sand Review.
- 1.13. 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 the Localism Act 2011). In accordance with the adopted Statement of Community Involvement, at each stage the consultation 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, public libraries and at Council Information Centres.

Next steps

- 1.14. **Responses received to the Preferred options consultation** (this stage) will be used to inform the Pre-Submission version of the Silica Sand Review of the Minerals SSA Plan. (November/December 2015)
- 1.15. **Pre-submission publication and submission** - will contain only those sites/areas which are considered suitable for silica sand extraction during the plan period. It will also contain the policies detailing the requirements that a planning application for silica sand extraction on each allocated site/area will need to address. The Pre-submission Publication will go before full Council with the recommendation for it to be published to enable representations to be made, prior to submission to the Secretary of State for Communities to carry out an Examination in Public. (Spring/Summer 2016)
- 1.16. **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)

- 1.17. **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. (Autumn 2016)
- 1.18. **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 and the timetable is included in the adopted Minerals and Waste Development Scheme. The quantity of silica sand that the Silica Sand Review should plan for was one aspect of the Initial Consultation; the background to this calculation is contained in paragraphs 5.2-5.4 of this report. The contents of the Preferred Options Consultation 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. Only one specific site was submitted in response to the ‘call for sites’, which has an estimated mineral resource of 1.2 million tonnes. Even if the site is assessed as suitable, this 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 have therefore defined Areas of Search to meet the shortfall, within which planning permission may be granted for future silica sand extraction.
- 2.4. An alternative option would be to carry out a further ‘call for sites’ to see if any additional sites for silica sand extraction are proposed. However, it is considered that this would be unlikely to happen because there is only one silica sand

extraction company in Norfolk and there was ample opportunity for sites to be proposed during the previous Minerals Site Specific Allocations Plan process.

- 2.5. The process used to define the ten areas of search contained in the draft Preferred Options Consultation document is set out in paragraph 1.6 of this report. Alternative methodologies could be used to carrying out this process; for example, excluding additional constraints from the areas of search or excluding larger or smaller areas of land from around these constraints (such as environmental and landscape designations and heritage assets). Options for the constraints and the distances around them that have been excluded from the areas of search were consulted on as part of the Initial Consultation. Comments received from consultees and planning officers' responses to them have been published in the Initial Consultation Feedback Report.
- 2.6. The Preferred Options Consultation stage is about Norfolk County Council's assessment of the proposed specific site and defined areas of search and their suitability for future silica sand extraction. The consultation stages and the subsequent formal representations period on the draft plan will be undertaken in accordance with the relevant legislation and the adopted Statement of Community Involvement. The preparation of the Silica Sand Review will also be undertaken in accordance with the relevant legislation, the National Planning Policy Framework (NPPF) and NPPG.
- 2.7. An initial assessment of the proposed site and defined areas of search has been carried out by the Environment Agency, Historic England, the Borough Council of King's Lynn and West Norfolk, Norfolk Wildlife Trust, the Highways Authority, Norfolk County Council's Historic Environment Service, Natural Environment Team and planning officers.
- 2.8. The process used to define the areas of search has been assessed in the draft Initial Sustainability Appraisal (SA) Report (parts A and B). An SA has also been undertaken on the proposed site and all defined areas of search. The screening stage (Task 1) of a Habitats Regulations Assessment (HRA) has also been carried out on the proposed site and areas of search. Due to the proximity of some of the areas of search to Natura 2000 sites, a more detailed HRA will be carried out prior to the production of the Pre-Submission version of the Silica Sand Review. Both the draft SA and the draft HRA will be published for consultation as part of the Preferred Options consultation and are provided as appendices to this report.
- 2.9. 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. The timetable for the Silica Sand Review during 2015/16 and 2016/17 is included within the approved Minerals and Waste Local Development Scheme (June 2013). To minimise publications costs going forward all stakeholders, including parish councils, will be 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 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	Majority in 2015/16	£25,000
Advertising costs	Majority in 2015/16	£3,000
Planning Inspector costs for examination	2016/17	£20,000
Programme officer costs for examination	2016/17	£2,500
Venue hire for examination hearings	2016/17	£750
Total estimated Costs		£51,250

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 will be carried out via the internet and email wherever possible as this maximises savings in both cost and time. However there will still be a need for some hard copies of consultation 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. Sibelco UK is the only silica sand company currently operating in Norfolk and it was the only respondent to the 'call for sites' held in June 2015. The specific site proposed by Sibelco UK has an estimated mineral resource of 1.2 million tonnes. Even if the site is assessed as suitable, this 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 have therefore defined areas of search to meet the shortfall, within which planning permission may be granted for future silica sand extraction. This approach will enable the Silica Sand Review to progress and address the predicted shortfall in silica sand extraction sites. The public consultation on the Preferred Options document will enable interested people and organisations to provide comments about the suitability of the specific site and the areas of search for future silica sand extraction.
- 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 2016.
- 4.3. The environmental implications of the Silica Sand Review will be 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.

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. However, using the last 10 years average sales figures, of 636,500 tonnes per annum, as set out in the NPPF, additional sites would be required to provide 1,138,000 tonnes. Although the most recent 3 year sales averages, of 790,400 tonnes per annum, indicate a substantial recent increase in sales volume which is greater than the requirement in adopted Policy CS1, which is based on a need for 750,000 tonnes of silica sand to be extracted from Norfolk per annum.
- 5.4. 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)	

5.5. **Background Papers**

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

Minerals and Waste Local Plan Sustainability Appraisal Scoping Report
<http://www.norfolk.gov.uk/view/NCC163401>

Minerals Site Specific Allocations Plan –Single Issue Silica Sand Review – Initial Consultation Feedback Report (June 2015)
<http://www.norfolk.gov.uk/view/ncc166849>

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

Norfolk Minerals Site Specific Allocations DPD (October 2013)
<http://www.norfolk.gov.uk/view/ncc126927>

Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026 (September 2011)
<http://www.norfolk.gov.uk/view/ncc094912>

Norfolk Minerals and Waste Local Development Scheme (June 2013)
<http://www.norfolk.gov.uk/view/NCC123246>

Norfolk Statement of Community Involvement (April 2012)
<http://www.norfolk.gov.uk/view/ncc105169>

Norfolk Local Aggregate and Silica Sand Assessment 2013-2014

<http://www.norfolk.gov.uk/view/NCC159976>

[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 – Preferred Options Consultation Document
- B. Minerals and Waste Local Plan – Initial Sustainability Appraisal Report – Part A Scoping
- C. Minerals Site Specific Allocations plan – Single Issue Silica Sand Review- Initial Sustainability Appraisal Report – Part B
- D. Minerals Site Specific Allocations Plan – Single Issue Silica Sand Review – Habitats Regulations Assessment (Task 1)

Appendices available to read online here:

<http://norfolkcc.cmis.uk.com/norfolkcc/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/403/Committee/18/Default.aspx>

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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