



The Planning  
Inspectorate

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# Report to Norfolk County Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 22<sup>nd</sup> July 2013

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**PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)**

**SECTION 20**

**REPORT ON THE EXAMINATION INTO NORFOLK COUNTY COUNCIL**

**MINERALS SITE SPECIFIC ALLOCATIONS LOCAL PLAN**

Document submitted for examination on 10 December 2012

Examination hearings held between 26 and 28 March 2013 and on 11 April 2013

File Ref: PINS/X2600/429/6

## ABBREVIATIONS USED IN REPORT

Core documents (referenced in parentheses in the text) are prefixed by the letters  
A to G

DPD	Development Plan Document
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MIN	Prefix to allocated minerals sites
MM	Main modification
MPS	Minerals Policy Statement
mt	million tonnes
mtpa	million tonnes per annum
NPPF	National Planning Policy Framework
Para	Paragraph
RS	Regional Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
WAS	Prefix to allocated waste sites

## **Non-Technical Summary**

This report concludes that the Norfolk County Council Minerals Site Specific Allocations Local Plan provides an appropriate basis for the planning of the County over the next 13 years providing a number of modifications are made to the Plan. The County Council has specifically requested that I recommend any modifications necessary to enable adoption of the Plan. All of the modifications to address this were proposed by the local planning authority and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The modifications can be summarised as follows:

- deletion of site MIN 39 and changes to the table showing sites allocated for silica sand extraction;
- amendment of the extent of site MIN 40;
- addition of an explanation regarding the shortfall in allocated silica sand resources;
- commitment to an early review of silica sand; and
- support for applications that would help meet the shortfall in allocated silica sand resources

## Introduction

1. This report contains my assessment of the Norfolk County Council Minerals Site Specific Allocations Local Plan in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework (Paragraph 182) makes clear that, to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the "Minerals Site Specific Allocations Development Plan Document: Pre-Submission" (April 2012, A100) as modified by minerals-related changes in the "Pre-Submission: Addendum: Proposed Focussed Changes" (September 2012, A160). Both of these documents have been the subject of full public consultation.
3. The documents submitted for examination also included a schedule of "Additional modifications to Pre-Submission Minerals Site Specific Allocations DPD" (A190). It was not envisaged by the County Council that these modifications would affect the soundness or legality of the Plan. Nevertheless, participants were given the opportunity to comment on the proposed modifications through the examination process.
4. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with Section 20(7C) of the 2004 Act, the County Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
5. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.

## Assessment of Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the County Council complied with any duty imposed under Section 33A of the 2004 Act in relation to the Plan's preparation. Section 33A requires constructive, active and on-going engagement with local authorities and a variety of prescribed bodies with regard to a strategic matter in order to maximise the effectiveness of plan preparation.
7. I find that the County Council has been inclusive throughout the plan making process, engaging and co-operating with neighbouring authorities, undertaking a series of public consultation exercises and working closely with key stakeholders. The process has continued through the examination. The extent of the co-operation is explained in the following documents:

- Proposed Focussed Changes Representations Feedback Report (A168)
  - Proposed Focussed Changes Statement of Consultation (A167)
  - Pre-Submission Representations Feedback Report (A152)
  - Pre-Submission Statement of Consultation (A125)
  - Pre-Submission Statement of Consultation Part 2 (A157)
  - 2011 Public consultation comments and Norfolk County Council's responses (F165)
  - Minerals Site Allocations Summarised Representations to the Issues & Options consultation (F35, F36, F37, F38, F39, F40 and F47)
8. In addition to formal consultation, the County Council maintains liaison with its peer authorities in the (formerly defined) East of England Region through the East of England Aggregates Working Party. Meetings are held at six-monthly intervals or more frequently if required.
  9. The working party is attended by representatives of the county councils adjacent to Norfolk, Essex and Hertfordshire County Councils and the unitary councils at Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough. Representatives of the Department for Communities and Local Government, the London Aggregates Working Party and the South East Aggregates Working Party also attend.
  10. Within Norfolk, a Norfolk Strategic Services Co-ordinating Group was established in 2008. Quarterly meetings are held with Norfolk district level authorities, the Highways Agency, the Environment Agency, Anglian Water and other important representatives. The County Council attends, representing roles including Highway Authority and Minerals and Waste Planning Authority.
  11. In addition, meetings of a Norfolk Strategic Planning Group take place on a bi-monthly basis. This involves representatives of the County Council, the Norfolk District/Borough Councils, Norwich City Council and the Broads Authority. The group considers strategic planning policy issues including minerals. The group shares information and good practice; also liaises on the production of local plans. Other meetings are held between the County Council and individual districts to discuss strategic planning issues, including minerals planning.
  12. I conclude that the County Council has worked collaboratively with other authorities and bodies and has co-operated effectively through a continuous period of engagement. The County Council has fulfilled the duty to co-operate with regard to the Norfolk County Council Minerals Site Specific Allocations Local Plan.

## **Assessment of Legal Compliance**

13. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

However, I have the following comments to make on the Local Development Scheme.

14. The Minerals and Waste Development Scheme (A71), as submitted to the Secretary of State at the start of the examination process, referred to submission of the Minerals Site Specific Allocations Development Plan Document in June 2012 with hearings in October 2012. In the event, the Plan was submitted in December 2012 and hearings were held in March and April 2013. To reflect these and other revised dates, an updated Local Development Scheme (A72) has been prepared. The content and timing of the Plan are compliant with the revised scheme.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Local Plan is identified within the approved LDS (May 2013) which sets out an expected adoption date of September 2013. The Local Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The original SCI was adopted in March 2007. An updated statement was adopted in September 2012. Consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed "main modification" changes (MM).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations HRA has been carried out and is adequate.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Local Plan complies with the Act and the Regulations.

## Assessment of Soundness

### Preamble

15. In September 2011, Norfolk County Council adopted its "Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026" (A170). The Core Strategy sets the context for the County Council's site allocations documents. One of these is the Minerals Site Specific Allocations Local Plan that forms the subject of this report. A Waste Site Specific Allocations Local Plan has also been submitted. This is being considered alongside the Minerals Site Specific Allocations Local Plan.
16. The Minerals Site Specific Allocations Local Plan aims to allocate sites that are considered to be suitable for the extraction of minerals of one sort or another.

Twenty-nine sites across the County are identified.<sup>1</sup> The sites are allocated for the extraction of sand and gravel, silica sand or carstone. The aim has been to identify suitable sites that meet the locational criteria and quantitative needs set out in the Core Strategy.

17. The Core Strategy was adopted prior to publication of national planning policy as expressed in the National Planning Policy Framework (B01). The Framework contains policies that are relevant to the content of the Minerals Site Specific Allocations Local Plan. In particular, when testing soundness, it is necessary to consider whether the Plan has been "positively prepared".
18. The key purpose of the Plan is stated to be the allocation of deliverable sites to provide a steady and adequate supply of aggregates and a contribution to the national production of silica sand to meet the requirements identified in the adopted Core Strategy. The County Council considers that the allocated sites represent the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; also that the allocated sites are deliverable and would enable the delivery of sustainable development.
19. For my part, I find that the Plan has been positively prepared and is sound in this regard. In particular I note that, through the Proposed Focussed Changes (A160), an appropriate policy has been included on the presumption in favour of sustainable development. I conclude that the Local Plan complies with national policy as set out in the Framework and in other national policy documents.
20. The Core Strategy was in general conformity with the then Spatial Strategy, the East of England Plan. The East of England Plan was revoked in its entirety on 3 January 2013. As such, the matter of general conformity does not apply to the Minerals Site Specific Allocations Local Plan.
21. On the matter of consultation, I have noted above that the "focussed changes" (A160) have already been the subject of consultation. In addition, consultation on proposed main modifications took place after the examination hearings. Additional modifications were also included in the post-hearings consultation. I have considered the responses received on both main and additional modifications. None are material to legal matters or to the soundness of the Plan.

## **Main Issues**

22. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified two main issues upon which the soundness of the Plan depends.

**Issue 1 – Whether appropriate provision is made for the steady and adequate supply of sand and gravel, silica sand and carstone; whether there is flexibility regarding the availability of sites; and whether additional allocations should be made**

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<sup>1</sup> Thirty sites were identified in the initial Pre-Submission document (A110). However, one of these sites (MIN 41) was deleted under the Focussed Changes (A160).

23. The quantity of mineral resources to be allocated is identified in Policy CS1 of the Core Strategy (A170). For sand and gravel, sites and/or Areas of Search delivering a total of approximately 28.24 million tonnes are required to be allocated. For silica sand, the allocation of a site or sites to deliver a minimum of 6.4 million tonnes is required. For carstone, a site or sites to deliver a minimum of 1.475 million tonnes of resources is required to be allocated. No new allocations are required for clay, topsoil, chalk, peat or hoggin.

### ***Sand and gravel***

#### *Current need*

24. The requirement for sand and gravel can now be updated based on the latest available figures concerning permitted reserves. In this regard, the overall need for sand and gravel to the end of 2026 is calculated to be 25.05 million tonnes (mt). This can be compared with the total estimated resource figure for the 26 sand and gravel sites that are allocated in the Plan. This stands at 27,591,000 tonnes. Representors have questioned the adequacy of this figure. In particular, and to provide greater flexibility, it is argued that additional allocations should be made.

#### *Adequacy of the proposed total provision*

25. The National Planning Policy Framework (B01, Para 145) envisages that planning for a steady and adequate supply of aggregates would be informed by an annual Local Aggregate Assessment based on a rolling average of 10 years' sales data and other relevant local information. However, the Norfolk figures are based on the 2009 sub-regional apportionment. This follows a decision by the East of England Aggregates Working Party that these figures should be used by Mineral Planning Authorities for the foreseeable future.
26. The sub-regional apportionment amounts to 2.57 million tonnes per annum (mtpa). By contrast, the rolling average of 10 years' sales of sand and gravel is 1.99 mtpa. In terms of total need, the respective figures are 25.05 mt (sub-regional apportionment) and 15.76 mt (10 years' sales data).
27. At first sight, and in the light of the criteria set out in the National Planning Policy Framework, the provision envisaged by the County Council appears generous. However, it is argued that the National Infrastructure Plan, Norfolk Infrastructure Plan and Local Development Frameworks / Local Plans of the local authorities all plan for growth in Norfolk. The growth will need a steady and adequate supply of minerals. The last five years of sales reflect an economy in recession. Should this trend reverse, sales are more likely to reflect the sub-regional apportionment. Flexibility is required and should be built into any assessment of need.
28. A further consideration is the position on the sand and gravel landbank. It is considered by some that the requirement to maintain a landbank of at least 7 years (National Planning Policy Framework (B01), Para 145) would not be met. The landbank would fall below 7 years before the end of the Plan period and, as such, a higher level of provision should be made.

29. The landbank point was discussed at the hearings into the Core Strategy. At that time, reliance was placed on guidance in Minerals Policy Statement 1: Planning and Minerals (MPS 1 has since been withdrawn). Paragraph 4.2 of Annex A of MPS 1 indicated that maintaining a landbank beyond the end of the Plan period is not an issue if review and updating take place regularly.
30. The specific advice in MPS 1 is no longer extant. Nevertheless, the advice appears to me to represent a reasonable approach. In this regard, I note that the Core Strategy (A170, Section 8) provides for regular monitoring and review. A potential problem would only arise if all the flexibility built into the figures was needed and no meaningful review was undertaken.
31. The 10 year sales figures suggest that, in Norfolk, the "apportionment" should be at a level of 15.76 mtpa. However, there is other relevant information to take into account. In this regard, I acknowledge the importance of the local growth agenda. I also note the intention, in accordance with Paragraph 14 of the National Planning Policy Framework, to positively seek opportunities to meet the development needs of the area and to meet objectively assessed needs with sufficient flexibility to adapt to rapid change.
32. In all the circumstances, I conclude that appropriate provision would be made for the steady and adequate supply of sand and gravel. Given the degree of built-in flexibility, I do not foresee any problems in sourcing the necessary sand and gravel from the allocated sites. There would be adequate flexibility in this regard. An appropriate landbank would be maintained.

*The need or otherwise for additional allocations*

33. A number of representors put forward sites that they would wish to see allocated through the mechanism of the Minerals Site Specific Allocations Local Plan. Potential problems were discussed at the examination hearings. At some sites there are overriding constraints. At others, and in different circumstances, there would be the possibility of allocation.
34. Nevertheless, having regard to the site assessment process and my conclusions below on the second main issue, I would not judge any of the sites to be better than those already allocated. More particularly, given my conclusions on the adequacy of the sand and gravel "apportionment", I conclude that there is no need for additional allocations and it is not necessary for me to decide on the detailed merits of the objection sites. The requirements of the Plan area would be met by the County Council's proposals.

***Silica sand***

35. The initial Pre-Submission version of the Plan (A100) allocated three sites that would have yielded a total of approximately 6.4 million tonnes of silica sand. This estimated resource is the same as the figure that would be required to be allocated under the terms of Core Strategy Policy CS1. However, since that time, the allocation of two of the sites has come into question. One of the sites is at Hall Farm, Roydon (MIN 41). The second is at Wicken East (MIN 39).
36. At the MIN 41 site, it was estimated that 1.9 mt of silica sand could be extracted over the Plan period out of a total resource of 4.8 mt. The

estimated resource at MIN 39 is 1.5 mt. Without the contribution of these two sites, potential provision would fall to 3 million tonnes, the capacity of the remaining site at East Winch (MIN 40). This is well below the requirements of Policy CS1. As such I discuss the appropriateness of the de-allocation of MIN 41 and MIN 39. The up-to-date position on the East Winch site (MIN 40) also needs to be considered.

*Land at Hall Farm, Roydon (MIN 41)*

37. The de-allocation of MIN 41 was the subject of the Focussed Changes (A160). The modification has been the subject of full public consultation and is part and parcel of the Plan submitted for examination. Nevertheless, the omission of the site has attracted on-going representations notably from the original sponsors of the site.
38. The de-allocation of MIN 41 follows representations from Natural England. In summary, there is considered to be the potential for hydrological and water chemistry impacts on Roydon Common SSSI, a component part of Roydon Common and Dersingham Bog SAC and Roydon Common Ramsar site. In the absence of any obviously viable mitigation, Natural England considers that there is the possibility of adverse effects upon the Special Area of Conservation.
39. Potential impacts were discussed at the examination hearings. On the matter of surface drainage, it appears to me that water from the site does not drain onto Roydon Common. It would be possible to maintain this position in the future. As to ground water, the position is more complicated. The progress of percolating water is "slowed" by the beds through which it passes. If the overburden and the beds containing the silica sand were removed the rate of recharge of the aquifer could be affected. In addition, without percolation through the overlying strata, it is likely that the water chemistry would change. Both effects could be significant.
40. I acknowledge that the potential effects are very uncertain. It is possible that, with further investigation, concerns could be quelled and Appropriate Assessment could be presented at the application stage. However, I have not been able to conclude that the proposal would not adversely affect the integrity of an internationally designated nature conservation site. I cannot support the allocation on the basis of the information before me.

*Land at Wicken East (MIN 39)*

41. By e-mail dated 25 March 2013, the owner of site MIN 39 requested the withdrawal of this site from the Minerals Site Specific Allocations Local Plan. Landowner willingness is a key factor in deliverability. Without the cooperation of the owner, it would be inappropriate to continue with the allocation. The Plan would not be effective or justified. Main modifications are necessary to reflect the withdrawal of MIN 39; also to present an alternative strategy for the delivery of silica sand.
42. The withdrawal of MIN 39 would be recognised under Main Modifications 1 and 2 (**MM1 and MM2**). The effect of this would be:

- Changes to the table setting out the details of the sites allocated for silica sand extraction.
- Deletion of the provisions relating to MIN 39 (including site map, Policy MIN 39 and supporting text).

Changes to the Policies Map will also be required. An alternative strategy for the delivery of silica sand is discussed below (Paras 45 to 49).

*Land at East Winch (MIN 40)*

43. A post-submission scoping request (G20) for an extension of the permitted silica sand extraction at the MIN 40 site indicates that the extension area would cover the southern part of the allocation and is for an area smaller than that identified in the Minerals Site Allocations Local Plan. The sponsors are not commercially interested in the northern part of MIN 40.
44. In the circumstances, it is considered appropriate to reduce the area of the proposed allocation and match the boundaries of the site shown in the scoping request. The reduced area represents the realistic extent of the allocation for the Plan period and would provide greater certainty for the residents of East Winch. The provision would be fully justified and the Plan would be sound in this regard. Main modification **MM3** refers. The estimated resource tonnage would not change.

*Alternative strategy for the delivery of silica sand*

45. With the deletion of sites MIN 39 and MIN 41, there would be a significant shortage in the quantity of allocated silica sand. In terms of alternative sites, representations have been made regarding sites that include MIN 42 and MIN 94. Natural England has objected to MIN 42 on the grounds of potential adverse hydrological impacts on Leziate, Sugar and Derby Fens SSSI and Roydon Common SSSI, SAC and Ramsar site; also to the allocation of MIN 94 because of potential loss of part of Grimston Warren Pit SSSI and potential adverse hydrological impacts on Roydon Common SSSI, SAC and Ramsar site. The Environment Agency has also objected to the allocation of both sites.
46. Taking into account the evidence available, the views of Natural England on potential hydrological risks to Roydon Common SSSI and the precautionary principle, it is not appropriate to allocate these sites as a result of either likely significant adverse effects or the uncertainty about the impacts that could occur.
47. In the absence of suitable alternative sites, the County Council has put forward an approach that would rely on an early review of the Plan. The original intention had been to rely on Paragraph 8.8 of the Core Strategy (A170). This provides for a full review of the site specific allocations local plans five years after adoption of the documents. I regard this as unsatisfactory in the context of the existing situation regarding silica sand. If reliance is to be placed upon a review of candidate sites, this should be undertaken sooner rather than later.
48. I accept that at this point in time it is not possible to identify sites suitable for allocation as silica sand extraction sites. However, rather than delay the

whole process, it would be better to proceed to adoption of the Minerals Site Specific Allocations Local Plan but commit to an early review of silica sand sites. I recommend main modifications in this regard (**MM4 and MM5**). In addition to updating the related text, the effect of the modifications would be:

- to include information on the expected silica sand shortfall;
- to commit to a single issue review of silica sand to be completed by 2016; and
- to support the favourable consideration of planning applications that would help address the silica sand shortfall.

The review will also help ensure that attention is focussed on suitable extraction areas within the silica sand resource area. Uncertainty and unwarranted pressure on unsuitable sites would be avoided.

49. In recommending the above approach, I am mindful that at the time of the examination hearings the silica sand landbank stood at about 4.9 years. However, the quantity of silica sand referred to in the scoping request on MIN 40 (G20) is three million tonnes. This would add approximately four years to the landbank. In all the circumstances, I am satisfied that there are resources sufficient to provide a steady and adequate supply of silica sand in the short and medium term. The targeted review would ensure that there would be an adequate supply over the whole of the Plan period.

### ***Carstone***

50. The current reserves of carstone equate to a landbank of approximately 8.6 years. As and when reserves at the allocated site MIN 06 are added to the calculation, approximately 7 years would be added to the landbank. It is therefore envisaged that a landbank in excess of 10 years could be provided in the first part of the Plan period.
51. The allocation MIN 06 represents an extension of the most significant active carstone site in Norfolk. The allocated carstone is considered to be highly deliverable. I conclude that provision is made for a steady and adequate supply of carstone.

### ***Overall conclusion – Issue 1***

52. With the modifications that I am recommending, I am satisfied that appropriate provision would be made for the steady and adequate supply of sand and gravel, silica sand and carstone. There are no overriding concerns regarding the flexibility of supply. Given the proposed modifications, no additional allocations are necessary at this stage.

### **Issue 2 – Whether the allocated sites are acceptable in environmental terms and in other respects; and whether the sites are deliverable**

53. Representations of significance concern sites within Breckland district and general matters relating to the sites in the Borough of King's Lynn and West Norfolk. I consider below key issues raised. Representations from bodies such as the Environment Agency, English Heritage and Natural England have

largely been resolved through on-going negotiations. There are no soundness matters in this regard.

54. Within Breckland District, the principal concern relates to cumulative effects. In particular, there is a cluster of allocated sites to the northwest of Dereham. These include the mineral sites MIN 10 (Land off Fakenham Road, Beetley) and MIN 51 (Land west of Bilney Road, Beetley). The MIN 51 site is also a waste allocation (WAS 87). There is a further waste allocation in the immediate vicinity at Beck Farm, East Bilney, East Dereham (WAS 01). The sites are close to Dereham and the A47. In terms of their general location the mineral sites are compliant with Core Strategy Policy CS2 (A170).
55. Cumulative effects have been assessed through the Sustainability Appraisal (A106, A106a, A106b and A106c). In addition, the cumulative impact would need to be considered at the application stage under adopted Policy DM 15 (A170, Page 89). Cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality would also be considered under the National Planning Policy Framework (B01, Para 143).
56. I appreciate that mineral and waste activities have been taking place in this area over an extended period of time. Nevertheless, having regard to adopted development management and other policies, I am satisfied that the environmental effects could be adequately mitigated. The sites are acceptable in this regard.
57. In respect of the King's Lynn and West Norfolk sites, there are a number of representations relating to "environmental health" matters. Typically these concern air quality; noise and vibration; and light pollution.
58. For my part, I am satisfied that such matters are covered adequately under the policies in the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026 (A170). For example, there are policies on environmental protection (CS14), transport (CS15 and DM10), amenity (DM12), air quality (DM13) and cumulative impacts (DM15). Notwithstanding, the County Council has volunteered a number of additional modifications to the section of the Local Plan that sets out "The Process So Far".
59. My conclusion is that the sites within King's Lynn and West Norfolk are acceptable in environmental terms. I reach a similar conclusion on "environmental health" matters elsewhere within the County. The Local Plan is sound in this regard. The provisions in the Plan would be strengthened by additional modifications drawing attention to adopted development management policies and dealing specifically with air quality and dust, noise and lighting.
60. In overall terms I find that the allocated sites are acceptable in environmental terms and in other respects. There are no known deliverability or other issues of any significance.

## **Overall Conclusion and Recommendation**

- 61. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I**

**recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.**

**62. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Norfolk County Council Minerals Site Specific Allocations Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Andrew S Freeman*

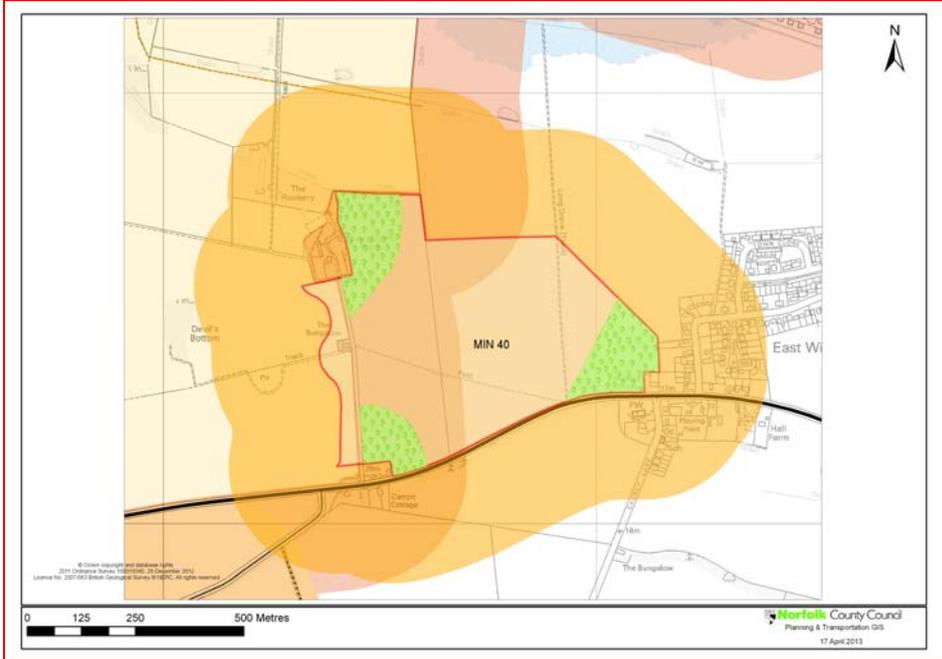
INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text (also shown in red colour).

The page numbers and paragraph numbering below refer to the submission local plan and do not take account of the deletion or addition of text.

Ref	Page	Provision	Main Modification
MM1	5	Table 1.5	Delete the row relating to Leziate, MIN 39, 1,500,000 tonnes; change TOTAL from 4,500,000 tonnes to 3,000,000 tonnes.
MM2	47 and 48	MIN 39	Delete the entire content of Pages 47 and 48 (including heading to MIN 39, Site Map, Paragraphs 39.1 to 39.8 and Policy MIN 39).
MM3	49	Para 40.1	Amend the first bullet point to state "The 32.8 hectare site is located in the parish of East Winch"
MM4	49	Site map	Replace the site map with that shown below. 
MM5	7	Para 2.7	Amend Para 2.7 such that it reads as follows: <b>2.7</b> No new silica sand planning permissions were granted in 2010, <del>or 2011</del> <u>or 2012</u> and therefore the landbank <u>of reserves</u> has reduced accordingly (the latest confirmed <u>landbank</u> figure is <del>4.73</del> <u>4.9</u> million tonnes as at 31 December <del>2011</del> <u>2012</u> ). Therefore, the quantity of additional silica sand resource needed over the Plan period is <del>6.5</del> <u>5.6</u> million tonnes. However, due to the Habitats Regulations Assessment findings, it has been possible to allocate only <del>two</del> <u>one</u> silica sand sites ( <del>MIN 39 and</del> MIN 40), totalling <u>3.0</u> <del>4.5</del> million tonnes. All other silica sand sites put forward are concluded to have <u>either likely</u>

Ref	Page	Provision	Main Modification
			<p><u>significant effects or</u> an uncertain impact on Roydon Common SSSI (part of Roydon Common and Dersingham Bog SAC) and in line with the precautionary principle, they cannot be allocated. This leaves a shortfall of <u>2.6</u> million tonnes <u>in the quantity of silica sand allocated</u>. However, this shortfall <u>in allocated resources</u> would only occur towards the end of the Plan period (about <u>2023/4</u> <del>2022/3</del>).</p> <p><u>To address this shortfall a single issue review of silica sand will be completed by 2016. The aim of the review will be to consider land for site specific allocations, preferred areas and/or areas of search, which would be suitable to address this shortfall. This would be undertaken in advance of the full review of the Minerals Site Specific Allocations DPD, which will be undertaken five years after adoption to reflect market conditions and ensure an adequate landbank exists in the county; in accordance with paragraph 8.8 of the adopted Minerals and Waste Core Strategy.</u></p> <p><u>If planning applications are submitted for the extraction of silica sand which would address the shortfall they will be considered against the relevant policies of the Local Plan. (See policy SD1). The fact of a shortage of silica sand supply will be a 'material consideration'.</u></p> <p><u>The determination of such applications will take into account local amenity and environmental considerations in line with policies in the Core Strategy (including CS1, 2, 14, and DM8).</u></p> <p><u>The presumption in favour of sustainable development is important, whilst recognising that this presumption does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.</u></p> <p><del>In accordance with paragraph 8.8 of the adopted Minerals and Waste Core Strategy, a</del></p>