

Norfolk Minerals and Waste Local Plan

Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review Pre-Submission Document

Representations Period: 16 May 2016 to 27 June 2016

The Minerals Site Specific Allocations Development Plan Document (DPD) - Single Issue Silica Sand Review has been published for representations to be made from 16 May to 27 June 2016, prior to submission of the document to the Secretary of State. Representations which are duly made will be submitted alongside the published Silica Sand Review document. This document will then be examined by a Planning Inspector, on behalf of the Secretary of State for Communities and Local Government.

The Silica Sand Review and its supporting documents are available to view on our website at www.norfolk.gov.uk/nmwdf. Copies of the documents will be made available for inspection at all libraries in Norfolk during the representations period. Copies will also be made available for public inspection, during office hours, at County Hall in Norwich and at the main office of each of the Local Planning Authorities in Norfolk. If you would like to request a copy of any of the documents, please telephone 01603 222193 or email LDF@norfolk.gov.uk and we will do our best to help you.

Comments on the contents of the Silica Sand Review were sought in two previous consultations: an Initial consultation stage in April – May 2015, and the Preferred Options stage in November - December 2015. The comments received were taken into consideration in the production of the current Pre-Submission version of the Silica Sand Review. At this stage (Regulation 19 and 20), we are asking about the process of producing the Silica Sand Review and whether the document is legally compliant and sound.

On 26 September 2011, Norfolk County Council adopted the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (“The Core Strategy”). The Core Strategy provides the overarching policies which set the framework for mineral and waste planning in Norfolk up to the end of 2026.

On 28 October 2013, Norfolk County Council adopted the Norfolk Minerals Site Specific Allocations DPD. This DPD sets out the site specific allocations for mineral extraction to meet the amounts set in the Core Strategy Policy CS1. The Minerals Site Specific Allocations DPD contains a requirement for a Single Issue Review of Silica Sand, this was due to a shortfall in the number of sites acceptable for allocation to meet the extraction target for silica sand only.

The purpose of the Single Issue Silica Sand Review is to address this shortfall. The Silica Sand Review will amend the Minerals Site Specific Allocations DPD in relation to silica sand extraction, after examination and adoption.

Important Note

- ❖ Representations must be received between 9am on Monday 16 May and 5pm on Monday 27 June 2016. Representations received before or after these dates will not be considered.
- ❖ Representations cannot be treated as confidential.
- ❖ Representations made at previous stages are not carried over. If you have made a representation to a previous stage which you consider relates to the soundness or legal compliance of the Silica Sand Review, and you would like the planning inspector to consider it, you will need to resubmit it during this call for representations period.
- ❖ You only have the right to be heard at the independent examination if you are seeking to make a change to the document and have made a representation within the appropriate period.
- ❖ Summaries of the main issues raised as part of the Initial Consultation and Preferred Options stages will form part of the evidence base for the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review.

How to complete the response form

There are two ways in which it is anticipated that you will respond to this stage of the Silica Sand Review process, with your comments focusing on the soundness and legal compliance of this DPD (full definitions overleaf).

If you are seeking to make representations on the way in which Norfolk County Council has prepared the Mineral Site Specific Allocations DPD - Single Issue Silica Sand Review it is likely that your comments or objections will relate to a matter of legal compliance.

If it is the actual content on which you wish to comment or object it is likely it will relate to whether the Mineral Site Specific Allocations DPD - Single Issue Silica Sand Review is justified, effective, positively prepared, or consistent with national policy.

Section 1 – Please tell us your name and contact details, Representations are only valid if this information is supplied.

Section 2 – Please identify clearly which document, paragraph and policy your comment relates to.

Section 3 – Please indicate if you consider that the document is legally compliant and meets all of the **tests of soundness** set out overleaf.

Section 4, 5 and 6 – Please state which of the four tests of soundness (justified, effective, positively prepared, or consistent with national policy) your representation relates to, why you consider the Silica Sand Review is not legally compliant or unsound and what changes are necessary to make the document sound having regard for the test of soundness which you have identified.

Section 7 and 8 – Please let us know, by ticking the appropriate box, if you wish to participate at the hearing to be held by the Planning Inspector as part of their examination of the Silica Sand Review.

Section 9 – Please sign and date the form

Legal compliance

The Inspector will first check that the Silica Sand Review meets the legal requirements under Section 20(5) (a) of the Planning and Compulsory Purchase Act 2004 before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- ◆ The Silica Sand Review should have been produced in accordance with the Local Development Scheme (LDS).
- ◆ Norfolk County Council is required to provide a sustainability appraisal report when they publish a DPD.
- ◆ The process of community involvement for the Silica Sand Review should be in general accordance with Norfolk County Council's (NCC) Statement of Community Involvement (SCI).
- ◆ The Silica sand Review should comply with the Town and County Planning (Local Planning) (England) Regulations 2012.
- ◆ NCC must publish the documents set out in the Regulations, and make them available for the public to view. NCC must also place local advertisements and notify the DPD bodies (as set out in the Regulations) and any persons who have requested to be notified.
- ◆ The Silica Sand Review should have regard to national policy and guidance.
- ◆ The Silica Sand Review must have regard to the Sustainable Communities Strategies (SCS) for the Local Planning Authorities in Norfolk.
- ◆ The Silica Sand Review must be compliant with the "general duty to co-operate", as set out in Section 112 of the Localism Act (2011).
- ◆ The Silica Sand Review must be compliant with the policies within the adopted Norfolk Minerals and Waste Core Strategy.

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Soundness

To be sound a DPD should be:

Justified

This means that the DPD should be founded on a robust and credible evidence base involving:

- ◆ Evidence of participation of the local community and others having a stake in the area.
- ◆ Research/fact finding: the choices made in the plan are backed up by facts.

The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The DPD should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

Effective

This means the DPD should be deliverable, embracing:

- ◆ Sound infrastructure delivery planning
- ◆ Having no regulatory or national planning barriers to delivery
- ◆ Delivery partners who are signed up to it
- ◆ Coherence with the strategies of neighbouring authorities.

The DPD should also be flexible and able to be monitored.

The DPD should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The DPD should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the DPD should make clear that major changes may require a formal review including public consultation.

Any measures which Norfolk County Council has included to make sure that targets are met should be clearly linked to a monitoring report. This report must be produced each year by Norfolk County Council and will show whether the DPD needs amendment.

Positively prepared

The DPD should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Consistent with national policy

The DPD should be consistent with national policy. Where there is a departure, Norfolk County Council must provide clear and convincing reasoning to justify their approach. Conversely, you may feel Norfolk County Council should include a policy or policies which would depart from national policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national policy and support your assertion with evidence.

If you think the content of a DPD is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- ◆ Is the issue with which you are concerned already covered specifically by a policy within the National Planning Policy Framework? If so it does not need to be included.
- ◆ Is what you are concerned with covered by any other policies in the DPD on which you are seeking to make representations or in any other adopted DPD in Norfolk County Council's Minerals and Waste Local Plan. There is no need for repetition between documents in the Local Plan.
- ◆ If the policy is not covered elsewhere, in what way is the DPD unsound without the policy?
- ◆ If the DPD is unsound without the policy, what should the policy say?

Continued...

Statement of representations procedure

Title of plan: Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review

Subject matter and area covered: This document includes a specific allocated site and six Areas of Search which are considered acceptable in principle for silica sand extraction in Norfolk over the next 10 years to meet the quantities required in the adopted Minerals and Waste Core Strategy Policy CS1. In Norfolk, the silica sand resource occurs entirely within West Norfolk.

The Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review and its supporting documents are available to view on our website at www.norfolk.gov.uk/nmwdf. Copies of the documents will be made available for inspection at all libraries in Norfolk during the representations period. Copies will also be made available for public inspection, during office hours, at County Hall in Norwich and at the main office of each of the Local Planning Authorities in Norfolk (Borough Council of King's Lynn and West Norfolk, Breckland Council, Broadland District Council, Broads Authority, Great Yarmouth Borough Council, North Norfolk District Council, Norwich City Council, South Norfolk Council).

If you would like to request a copy of any of the documents, please telephone 01603 222193 or email LDF@norfolk.gov.uk and we will do our best to help you.

How to submit your representation

Representations must be made in writing, or via email, or the e-consultation website as follows:

Electronic Representation – This is our preferred method of receiving representations. Representations can be lodged directly at the following web address: www.norfolk.gov.uk/nmwdf

Other Representation methods – Alternatively, you can complete this response form and send it to Norfolk County Council via email, post or fax, using the following contact details:

Post: Norfolk County Council, Planning Services (Minerals and Waste Policy), Community and Environmental Services, County Hall, Martineau Lane, Norwich, NR1 2BR

Email: LDF@norfolk.gov.uk

Fax: 01603 223219 (marked for the attention of Planning Services)

Important Note

- ◆ Representations must be received between 9am on Monday 16 May and 5pm on Monday 27 June 2016. Representations received before or after these dates will not be considered.
- ◆ Representations cannot be treated as confidential.
- ◆ Representations made at previous stages are not carried over. If you have made a representation to a previous stage which you consider relates to the soundness or legal compliance of the DPD, and you would like the Planning Inspector to consider it, you will need to resubmit it during this call for representations period.
- ◆ You only have the right to be heard at the independent examination if you are seeking to make a change to the document and have made a representation within the appropriate period.
- ◆ Summaries of the main issues raised as part of the Initial Consultation and Preferred Options stages will form part of the evidence base for the DPD.

Representations may be accompanied by a request to be notified, at a specified address, of any of the following:

- The submission of the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review for independent examination (under section 20 of the Planning and Compulsory Purchase Act 2004)
- The publication of the recommendations of the person appointed to carry out an independent examination of the DPD (under section 20 of the Planning and Compulsory Purchase Act 2004)
- The adoption of the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review.

Please use a separate form for each part of the Minerals Site Specific Allocations DPD – Single Issue Silica Sand Review that you wish to comment on.

Return to: Norfolk County Council, Planning Services (Minerals and Waste Policy), Community and Environmental Services, County Hall, Martineau Lane, Norwich, NR1 2BR

PART A

1. Personal Details

Name: Louise Oliver on behalf of Natural England

Address: **Customer Services, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire**

Postcode: **CW1 6GJ**

Organisation (if applicable): Natural England

Telephone: 0300 060 3900

Email: consultations@naturalengland.org.uk

Please tick your preferred method of contact: Email letter

Which category do you fall into (please choose one only)?

District or County council

Mineral Industry

Parish council in Norfolk

Waste Industry

Statutory Consultee

Individual

Neighbouring Parish council outside Norfolk

Agent/Consultant

Other organisation (please specify):

PART B

2. To which part of the DPD does this representation relate?

Document: Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review

Paragraph: See comments under Qu.5 below for details Policy:

3. Do you consider the DPD is:

(i) Legally compliant

Yes

No

3. (ii) Sound

Yes

No

If you have entered No to 3. (ii), please continue to 4. In all other circumstances, please go to 5.

4. Do you consider the DPD is unsound because it is not:

(i) Justified (ii) Effective (iii) Positively prepared (iv) Consistent with National Policy

5. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Natural England's comments submitted on 27.06.2016

Natural England considers the DPD to be legally compliant and sound. Our appraisal is based on comments made under previous consultations; that it is consistent with national policy; and also upon our assessment of the Sustainability Appraisal Report (Parts A and B) and the Habitats Regulations Assessment, which are supporting documents to the DPD. We have the following comments to make on these two documents:

Habitats Regulations Assessment (HRA)

Natural England previously commented on the Habitats Regulations Assessment (HRA) – Test of Likely Significant Effects (Stage 1) report, dated September 2015, in our response to Norfolk County Council

dated 21 December 2015. Natural England has no further comments to make on this document under this current consultation.

In relation to the Habitats Regulations Assessment – Appropriate Assessment (Stage 2) report, dated February 2016, Norfolk County Council concluded that selection of Area of Search A (AOS A) would not result in adverse effects on the integrity of The Wash Special Protection Area (SPA) and The Wash Ramsar site. This was due to the quantity of arable land available for foraging habitat for qualifying bird species outside of the designated sites. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, subject to the mitigation

measures (as outlined under 3.4 on page 2-13 of the above report) being secured in any subsequent
(Continue on a separate sheet if necessary)

permission given for the extraction of silica sand within AOS A. For clarity we recommend that text is added which states that any future planning applications would need to be accompanied by a project level HRA, in AOS A or for the site specific allocation SIL01.

Sustainability Appraisal

Natural England is generally satisfied that the Sustainability Appraisal (SA) is thorough and has been assessed correctly in relation to the natural environment, and specifically designated sites, protected landscapes, local wildlife sites, ancient woodland and soils, including the best and most versatile agricultural land.

6. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, with reference to the answer you have identified at 4 above. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

n/a

(Continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change. There will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will only be at the request of the inspector, based on the matters and issues he/she identifies for examination.

7. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

Yes, I wish to participate at the oral examination

No, I do not wish to participate at the oral examination

8. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

(Continue on a separate sheet if necessary)

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature: _____ Date: _____