

Environment, Development and Transport Service Committee

Item No. 15

Report title:	Silica Sand Review of the Minerals Site Specific Allocations Plan
Date of meeting:	16 January 2015
Responsible Chief Officer:	Tom McCabe
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 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

<p>The Minerals Site Specific Allocations Plan (adopted by full Council on 28/10/2013) contains a requirement for a Silica Sand Review of the Plan to be completed by 2016. The review is needed to address the predicted shortfall, of 2.6 million tonnes, in the quantity of silica sand extraction sites allocated in the Plan. It is predicted that around 750,000 tonnes of silica sand will be extracted from Norfolk per annum. It is expected that no more than one or two additional specific sites will need to be allocated over the plan period (to 2026) to meet the shortfall. If suitable sites are not submitted through the Silica Sand Review process then Preferred Areas and/or Areas of Search for future silica sand extraction will need to be designated instead.</p> <p>This report sets out the process to be carried out and contains the proposed Initial Consultation document and Sustainability Appraisal Scoping Report.</p> <p>The first stage in the review process is to consult with stakeholders, including parish councils and the public. The Initial Consultation document contains a number of questions regarding the approach that the County Council propose to take in the assessment of specific sites and, if necessary, in the designation of preferred areas/areas of search for future silica sand extraction.</p> <p>In accordance with the Planning Inspector's comments on the Minerals SSA Plan, "The review will also help ensure that attention is focused on suitable extraction areas within the silica sand resource area. Uncertainty and unwarranted pressure on unsuitable sites would be avoided."</p> <p>Recommendations: EDT Committee is asked to:</p> <ol style="list-style-type: none">1) Note the process for the Silica Sand Review of the adopted Minerals Site Specific Allocations Plan detailed in this report;2) Agree to the publication of the Initial Consultation document and the Sustainability Appraisal Scoping Report for a six week consultation period, as the first stage in the process of the Silica Sand Review;3) Following the end of the consultation period, authorise officers to undertake

a Call for Sites for potential silica sand extraction sites and carry out consultation internally and with the Environment Agency, Natural England, English Heritage, the Borough Council of King's Lynn and West Norfolk and the Highways Authority on any specific sites submitted, as part of the assessment to inform the next stage of public consultation;

- 4) Authorise the Interim Executive Director of Community and Environmental Services, in consultation with the Chairman and Vice-Chairman of EDT committee to make minor corrections and non-material changes that are identified prior to the issue of the Silica Sand Review consultation document in February 2015.**

1. Proposal

- 1.1. The Minerals Site Specific Allocations Plan (Minerals SSA Plan), which was adopted by resolution of Full Council on 28 October 2013, contains a requirement for a Silica Sand Review of the Plan to be completed by 2016. This report sets out the process to be undertaken and contains the proposed Initial Consultation document and Sustainability Appraisal Scoping Report.
- 1.2. The Minerals SSA Plan allocated 26 sand and gravel sites, 1 carstone site and 1 silica sand site for future mineral extraction over the plan period to 2026. The allocated silica sand site is for the extraction of 3 million tonnes of mineral.
- 1.3. The requirement for a Silica Sand Review was a Main Modification to the Minerals SSA Plan proposed by the Planning Inspector who conducted the examination in public in 2013. This was because only one site was allocated for silica sand extraction, leaving a shortfall, of 2.6 million tonnes, in the allocated tonnage of silica sand towards the end of the plan period (about 2023/4). This shortfall is based on the quality of silica sand in existing sites with planning permission (4.3 million tonnes at 31/12/2013), 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.
- 1.4. The first stage in the review process is to consult with stakeholders, including parish councils and the public on:
- the information to be submitted by landowners/mineral operators who wish to have land (Specific Sites) considered for allocation for future silica sand extraction;
 - The process to be carried out by the County Council to designate preferred areas or areas of search for future silica sand extraction if suitable sites are not submitted; and
 - The criteria to be used in assessing areas/sites.
- The Initial Consultation document contains a series of questions covering these issues. The planning policy process is front loaded so that stakeholders are consulted at an appropriate stage early in the process. No decisions on additional locations or policies for future silica sand extraction in Norfolk have been made at this stage.
- 1.5. The silica sand resource, as mapped by the British Geological Survey (BGS), is subject to a number of constraints, including environmental and landscape designations. Part of the Initial Consultation will ask relevant stakeholders what information they would consider necessary to enable them to come to a view regarding the acceptability of land submitted, in relation to their statutory duties.
- 1.6. Some parts of the resource are sterilised due to permanent non-mineral development, such as housing. Part of the Initial Consultation will be to remove parts of the resource from consideration for future silica sand development.
- 1.7. In accordance with the Planning Inspector's comments on the Minerals SSA Plan, the

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

Consultation

- 1.8. The Silica Sand Review process will include two public consultation stages and a formal representations period (detailed in paragraphs 1.10 to 1.14). The responses received during each public consultation stage will inform the next stage in the Silica Sand Review process. Approval will be sought from the EDT Committee before each consultation stage takes place.
- 1.9. 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

- 1.10. **Responses received to the initial public consultation** and used to determine the information that must be submitted with proposals for silica sand extraction sites or used to define preferred areas and/or areas of search. (early 2015)
- 1.11. **A ‘call for sites’** will be advertised to enable landowners, agents and mineral operators to submit land for consideration for future silica sand extraction, together with proportionate evidence, based on the findings of the initial public consultation. If sufficient suitable sites are not submitted, preferred areas or areas of search for future silica sand extraction will be defined through the Silica Sand Review process instead. (early 2015)
- 1.12. **Assessment of sites** proposed for silica sand extraction will initially be carried out by Planning Officers in consultation with the relevant specialist NCC officers. This will include Sustainability Appraisal and Habitats Regulations Assessment.
- 1.13. **Preferred options consultation** will include an assessment of any proposed sites/areas and will describe the Council’s suggested way forward in terms of which sites/areas are considered suitable for future silica sand extraction. This document will be published for public consultation after agreement by the EDT Committee. (Summer 2015)
- 1.14. **Pre-submission publication and submission** - The consultation responses will be considered and will feed into the Pre-submission Publication version of the plan. This version of the Plan will contain only those sites/areas which are considered suitable for silica sand extraction and needed 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. (Winter 2015/16)
- 1.15. **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. (Spring 2016)
- 1.16. **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. (Summer 2016)

- 1.17. **Planning applications** - Sites 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. 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 minerals 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 Areas, 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.
- 2.2. In line with this guidance the approach to be taken with the Silica Sand Review is to start by consulting on the information which will need to be submitted by landowners/mineral operators who wish to have land considered for allocation. This consultation will be followed by a ‘call for sites’ to be submitted for assessment of their suitability for future silica sand extraction. If sufficient suitable Specific Sites are not submitted then Norfolk County Council will define Preferred Areas/Areas of Search using criteria that will also be consulted on in the Initial Consultation document.
- 2.3. The second public consultation stage will be on Norfolk County Council’s assessment of the Specific Sites and/or Preferred Areas/Areas of Search. Both 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.
- 2.4. At the examination of the Minerals SSA Plan the 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 contents of the Initial Consultation document and details of the review process 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.
- 2.5. If the Silica Sand Review is not carried out this would not be in accordance with the adopted Minerals SSA Plan, Development Scheme or the National Planning Practice Guidance. Due to the current shortfall in allocated silica sand extraction sites, 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 2014/15, 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. Based on the experience of previous planning policy production, costs include 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 therefore there is the potential that they will be the only proposer of silica sand extraction sites in response to the 'call for sites'. It was only possible to allocate one site for silica sand extraction in the Minerals SSA Plan, which was adopted in 2013. Therefore, it is possible that sufficient suitable sites for silica sand extraction will not be submitted by landowners, agents and mineral operators as part of the Silica Sand Review process. If this is the case, it is intended that Norfolk County Council will define Preferred Areas and/or Areas of Search to meet any residual shortfall, within which planning permission may be granted for future silica sand extraction, using criteria that will be proposed in the Initial Consultation. This approach will enable the Silica Sand Review to progress and address the predicted shortfall in silica sand extraction sites even if it is not possible to allocate Specific Sites.
- 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 an industrial mineral and the primary use for silica sand extracted in Norfolk is glass making. Glass making requires high grade and quality silica sand, especially for float (window) glass. The deposits in Norfolk are one of two in England where silica sand of the correct quality for float glass is currently found (the other location is Surrey). Recent British Geological Survey data shows that over 40% of the silica sand produced for glass manufacture in Great Britain was from Norfolk. Silica sand is recognised as being nationally important generally, and glass making sand is a more scarce sub-set of this resource.
- 5.2. 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.
- 5.3. The predicted shortfall in the quantity of silica sand extraction sites allocated in the adopted Minerals SSA Plan occurs towards the end of the plan period, around 2023/4. The shortfall is the result of a lack of submitted sites which were considered suitable for allocation and the removal of a site which was proposed for silica sand extraction, by the landowner on the eve of the examination hearings. The potential for impacts, or the uncertainty that impacts could occur, in relation to European designated environmental sites were the principal reasons why submitted sites were not allocated.
- 5.4. Norfolk M&W Core Strategy Policy CS1 indicated that 6.4 million tonnes of additional silica sand allocations were required to meet production demands up to the end of 2026. In response to updated permitted reserve and production figures at the end of 2012, the calculated need was reduced to 5.6 million tonnes in the Minerals SSA Plan. One site at East Winch was allocated for the extraction of 3 million tonnes of silica sand and therefore the estimated shortfall in allocated resources was calculated as 2.6 million tonnes at the examination.
- 5.5. An additional year's data is now available and the permitted silica sand reserve in Norfolk at 31/12/2013 was estimated to be 4.3 million tonnes. Therefore the estimated shortfall in allocated resources over the plan period is now calculated to be 2.45 million tonnes and it is expected that no more than one or two additional specific sites need to be allocated over the plan period to meet this shortfall.
- 5.6. However, using the last 10 years average sales figures, of 665,600 tonnes per annum, as set out in the NPPF, additional sites would be required to provide just under 1.2 million tonnes. Although the most recent 3 year sales averages, of 777,100 tonnes per annum, indicate a substantial recent increase in sales volume which is similar to 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.

5.7. **Background Papers**

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>

National Planning Policy Framework (DCLG, March 2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Norfolk Local Aggregate and Silica Sand Assessment 2013-2014

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

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

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

Localism Act (2011) <http://www.legislation.gov.uk/ukpga/2011/20/contents>

6 Appendices

- 6.1 Minerals Site Specific Allocations Plan - Single Issue Silica Sand Review – Initial Consultation Document (Appendix A)
- 6.2 Minerals and Waste Local Plan Sustainability Appraisal Scoping Report (Appendix B)

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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