

NORFOLK MINERALS SITE ALLOCATIONS DPD: SINGLE ISSUE SILICA SAND REVIEW (THE PLAN)

INSPECTOR'S DRAFT MATTERS AND ISSUES

MATTER 1 – Legal requirements and the Duty to Co-operate

Issues

1. The Council must demonstrate: how it has prepared the Plan in accordance with the Minerals and Waste (Local) Development Scheme (MWDS); how the Plan complies with the Statement of Community Involvement (SCI); how the consultation that has taken place has been carried out consistent with the SCI; that the Plan has been subject to a Sustainability Appraisal (SA) and a final report of the findings of the SA prepared; that any requirements for Appropriate Assessment under the Habitats Regulations were met before publication of the Plan; and that the Plan complies with all of the requirements of the 2004 Act and the 2012 Regulations (both as amended). Further, the Council must also be able to demonstrate that the requirements of the Duty to Co-operate have been met at the date of submission of the Plan. Has the Council suitably demonstrated in the evidence that all of these legal tests have been met? Would it be reasonable for me to conclude that the Council has met all of the legal tests, including the Duty to Co-operate?

MATTER 2 – Whether appropriate provision is made for the steady and adequate supply of silica sand.

Issues

1. Is the Plan positively prepared to meet its identified need and potentially greater future need, as suggested by the last 3 year sales average in the Monitoring Report - Mineral Data Local Aggregates Assessment and Silica Sand Assessment 2015?
2. Is the Plan justified and consistent with national policy, insofar that it identifies Areas of Search (AoS) rather than Preferred Areas, which the latter is given greater priority in the Government's Planning Practice Guidance? (Paragraph: 008, Reference ID: 27-008-20140306)
3. Is the Plan effective and justified, with regard to the number and overall coverage of the five identified AoS, when compared to the identified need? Further to this, would the Plan lead to large areas of land being unnecessarily safeguarded?
4. Is there a potential future need for new plant and infrastructure to be required, in order to secure the steady and adequate supply of silica sand? If so, should the wording of the AoS Policy reflect this?

MATTER 3 – Whether the allocated site and areas of search are acceptable in environmental terms and in all other regards.

Issues

1. Is the area of search selection process, including its methodology and criteria justified, effective and consistent with national policy?
2. Can future proposals come forward within AoS D without causing unacceptable harm, most notably, but not limited to: highway and pedestrian safety; landscape; ecological features; heritage assets; and local residents and businesses in the area?
3. Is reference within Policy SIL01 for the requirement for a project level Habitats Regulation Assessment to be undertaken at the planning application stage, necessary for it to comply with the Habitats Directive, the Conservation of Habitats and Species Regulations 2010 and national policy?
4. Do Policy SIL01 and the AoS Policy comply with national policy, in terms of Heritage Assets and should a historic landscape characterisation and archaeological study be required as part of any future planning applications within such areas?
5. Is Policy SIL01 and the AoS Policy effective in being able to control any potential noise impacts?
6. Is the AoS Policy proportionate and effective in being able to control any potential impacts of proposals coming forward within such areas, including any cumulative affects?

MATTER 4 – Monitoring

Issues

1. In order for it to be effective, should the proposed new policies in the Plan be subject to a monitoring framework?