



**Norfolk** County Council

## **Norfolk Minerals and Waste Development Framework**

### **Monitoring Report**

**2018-2019**

- Implementation of the Minerals and Waste Development Scheme
- Policy Performance
- Monitoring and Enforcement

March 2020



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# 1. Introduction

**1.1** Section 35 of the Planning and Compulsory Purchase Act 2004 (amended by the Localism Act 2011) requires every local planning authority to produce a monitoring report (MR). The Monitoring Report should contain information on the implementation of the Minerals and Waste Development Scheme (MWDS), the extent to which the policies set out in Local Development Documents are being achieved. The publication of this Monitoring Report covers the period from 1 April 2018 to 31 March 2019.

**1.2** This publication contains information on actions taken by the Mineral and Waste Planning Authority during the period covered by the Monitoring Report, to meet the Duty to Co-operate requirements contained within the Localism Act 2011. This information is included as required by the Town Planning & Compulsory Purchase (Local Plan) Regulations 2012, Part 8.

**1.3** Progress on document production will be monitored against the milestones in the Local Development Scheme. As well as reporting on the progress of the Local Development Framework, this Monitoring Report will also report on the effectiveness of consultations undertaken during the reporting period.

**1.4** The Monitoring Report covers the performance of the policies in the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD ('the Core Strategy') which was adopted in September 2011. This includes information such as the number of times a policy has been used in determining a planning application, policies that were used in refusing an application and also the outcomes of any appeals.

**1.5** The progress of monitoring and enforcement of minerals and waste sites is also reported in the Monitoring Report. This section includes information on monitoring, inspections, liaison meetings, enforcement action and aftercare programmes undertaken by Norfolk County Council.

**1.6** The Monitoring Report contains the following main sections covering the period April 2018 to March 2019:

- Review of the Norfolk Minerals and Waste Development Scheme (MWDS)
- Policy Performance, including a review of policy implementation
- Monitoring and enforcement
- Minerals data is reported in the Local Aggregate Assessment and Silica Sand Assessment (separate document)
- Waste management data is reported in a separate Waste Data monitoring report

## 2.0 Review of the Minerals and Waste Development Scheme

### 2.1 Minerals and Waste Development Scheme (MWDS)

This reporting period is from April 2018 to March 2019. The MWDS was updated in June 2018 and sets out the timetable for producing the minerals and waste planning policy documents which form Norfolk's Minerals and Waste Local Plan.

As set out last year's Monitoring Report the MWDS was updated in June 2018 because of additional work required at the Pre-Submission stage of the Silica Sand Review in 2016 and Main Modifications required as part of the examination of the Silica Sand Review in 2017. This additional work delayed the timetable for the new Minerals and Waste Local Plan.

The Norfolk 'Core Strategy and Minerals and Waste Development Management Policies DPD' was adopted by Norfolk County Council in September 2011. The Minerals Site Specific Allocations DPD and the Waste Site Specific Allocations DPD were both adopted in October 2013.

A review of each DPD should be undertaken five years after adoption. A joint review of all three of the adopted DPDs is being carried out to ensure that the policies within them remain up-to-date, to extend the plan period to 2036 and to consolidate the three existing DPDs into one Norfolk Minerals and Waste Local Plan, in accordance with national planning policy. The timetable for the production of the Minerals and Waste Local plan is contained in the MWDS and in Table 2 below:

<b>Table 2: MWDS timetable for the Minerals and Waste Local Plan to be produced compared with actual date to be produced</b>		
<b>Stage</b>	<b>Date timetabled in the 2018 Development Scheme</b>	<b>Actual date produced/ anticipated production date</b>
<b>Preparation of Local Plan Consultation (Regulation 18 Stage)</b>	Initial Consultation: June / July 2018  Preferred Options Consultation: December 2018 / January 2019	Initial Consultation: June to August 2018  Preferred Options Consultation: September/ October 2019
<b>Pre-Submission representations period (Regulation 19 Stage)</b>	September /October 2019	May/June 2020
<b>Submission (Regulation 22)</b>	December 2019	September 2020
<b>Hearing commencement (Regulation 24)</b>	March 2020	January 2021
<b>Inspector's report</b>	July 2020	July 2021
<b>Adoption (Regulation 26)</b>	October 2020	September 2021

The first public consultation stage on the new Minerals and Waste Local Plan took place in July and August 2018. Due to both the number of comments received in response to the Initial Consultation and the inclusion of a 'call for waste management facilities' in the M&WLP process in January 2019, it was not possible to undertake the Preferred Options consultation stage at the time anticipated in the adopted MWDS. The Preferred Options consultation stage took place in September/October

2019, which was later than the date contained in the adopted MWDS. This will have a knock-on effect on all the other stages of the M&WLP. A revised timetable is shown in Table 2 above. Due to the differences between the adopted Scheme and the expected production dates of the M&WLP, a revised Local Development Scheme needed to be prepared. Therefore, a new MWDS was approved by Norfolk County Council and brought into effect on 1 September 2019.

## **2.2 Consultation Participation and Response**

### **Norfolk Minerals and Waste Local Plan Review**

In this reporting period (April 2018 to March 2019) a consultation period took place on the Initial Consultation of the Norfolk Minerals and Waste Local Plan Review (for six weeks from 29 June to 13 August 2018) (Regulation 18 stage). There were 856 respondents to the consultation and two petitions signed by 132 local residents. The majority of responses were from individuals.

Responses were received from the following Local Planning Authorities:

Borough Council of King's Lynn and West Norfolk, Breckland Council, Broadland District Council, Broads Authority, Great Yarmouth Borough Council, Norwich City Council, South Norfolk Council, West Suffolk Councils (Forest Heath & St Edmundsbury).

Responses were received from the following three Minerals and Waste Planning Authorities:

Cheshire East Council, North Yorkshire County Council, Peterborough City Council.

Responses were received from the following 17 Town and Parish Councils:

Beeston with Bittering, Beetley, Burgh Castle, Chedgrave, Earsham, Felthorpe, Fritton with St Olaves, Gressenhall, Haddiscoe, Holt, Horstead with Stanninghall, Marham, Quidenham, Salhouse, Shouldham, Swannington with Alderford and Little Witchingham, West Winch.

Responses were also received from the following other specific consultation bodies:

Environment Agency, Natural England, Historic England, Anglian Water Services Ltd, Essex and Suffolk Water, National Grid, Ministry of Defence (Defence Infrastructure Organisation). Norfolk County Council also responded in its roles as the Lead Local Flood Authority, Historic Environment Service, Waste Disposal Authority, Highway Authority, Natural Environment Team.

Responses were also received from the following general consultation bodies:

The Broads Society, Norfolk Wildlife Trust, Norfolk Geodiversity Partnership, CPRE Norfolk, Woodland Trust, Mineral Products Association, Norfolk Coast Partnership.

The table below summarises the number of responses received to the Initial Consultation on the Norfolk Minerals and Waste Local Plan Review. The contents of the responses are available to view on consultation website at:

<https://norfolk.oc2.uk/document/46>

## Representations received to Initial Consultation on the Norfolk Minerals and Waste Local Plan Review

Section name	Respondents	Objectors	Support	Object	Comments	Total Representations
Whole document	15	1	0	1	15	16
1. Introduction	0	0	0	0	0	0
2. The consultation process	0	0	0	0	0	0
3. The process so far	2	0	0	0	2	2
4. What happens next	0	0	0	0	0	0
5. Norfolk Spatial Portrait	1	0	1	0	0	1
Q1: Minerals and Waste Local Plan Vision	11	1	4	1	6	11
Q2: Waste management strategic objectives	3	0	3	0	0	3
Q3: Minerals strategic objectives	9	1	3	1	5	9
Q4: Policy MW1 Presumption in favour of sustainable development	8	1	3	1	4	8
Q5: Policy MW2 Development management criteria	18	2	4	2	15	21
Q6: Policy MW3 Transport	7	0	0	0	7	7
Q7: Policy MW4 Climate change mitigation and adaption	10	0	1	0	9	10
Q8: Policy MW5 The Brecks protected habitats and species	4	0	3	0	1	4
Q9: Policy MW6 Agricultural soils	8	1	2	1	5	8
Q10: Policy WP1 Waste management capacity to be provided	4	0	0	0	4	4
Q10a: Alternative growth scenario for LACW	1	0	0	0	1	1
Q10b: Alternative growth scenario for C&I waste	1	0	0	0	1	1
Q11: Policy WP2 spatial strategy for waste management facilities	9	1	2	1	6	9
Q11a: Alternative spatial strategy options	4	0	0	0	4	4
Q12: Policy WP3 land uses potentially suitable for waste management facilities	1	0	0	0	1	1
Q12a: Should specific sites be allocated for waste	1	0	0	0	1	1

Section name	Respondents	Objectors	Support	Object	Comments	Total Representations
management facilities?						
Q13: Policy WP4 Recycling or transfer of inert and CD&E waste	9	1	2	1	6	9
Q14: Policy WP5 Waste transfer stations, MRFs, ELV and WEEE facilities	3	0	0	0	3	3
Q15: Policy WP6 transfer and treatment of hazardous waste	1	0	1	0	0	1
Q16: Policy WP7 household waste recycling centres	4	0	1	0	5	6
Q17: Policy WP8 Composting	1	0	1	0	0	1
Q18: Policy WP9 Anaerobic digestion	1	0	1	0	0	1
Q19: Policy WP10 Residual waste treatment facilities	2	0	0	0	2	2
Q20: Policy WP11 Disposal of inert waste by landfill	3	0	2	0	1	3
Q21: Policy WP12 Non-hazardous and hazardous landfill sites	1	0	1	0	0	1
Q22: Policy WP13 Landfill mining and reclamation	2	0	1	0	1	2
Q23: Policy WP14 Water Recycling Centres	2	0	0	0	2	2
Q24: Policy WP15 Whitlingham WRC	5	0	0	0	5	5
Q25: Policy WP16 Design of waste management facilities	6	0	2	0	4	6
Q26: Policy WP17 Safeguarding waste management facilities	2	0	0	0	2	2
Q27: Policy MP1 Provision of minerals extraction	10	6	4	6	1	11
Q28: Policy MP2 Spatial strategy for minerals extraction	13	4	5	4	4	13
Q29: Policy MP3 Borrow pits	2	0	0	0	2	2
Q30: Policy MP4 Agricultural and potable water reservoirs	3	0	2	0	1	3
Q31: Policy MP5 Core River Valleys	5	0	1	0	4	5
Q32: Policy MP6 Cumulative impacts and phasing of workings	3	0	2	0	1	3
Q33: Policy MP7 Progressive working, restoration and	11	1	3	1	7	11



Section name	Respondents	Objectors	Support	Object	Comments	Total Representations
afteruse						
Q34: Policy MP8 aftercare	4	0	2	0	3	5
Q35: Policy MP9 concrete batching and asphalt plants	2	0	0	0	2	2
Q36: Policy MP10 safeguarding port and rail facilities; concrete, asphalt and recycled aggregate facilities.	5	0	1	0	4	5
Q37: Policy MP11 Mineral Safeguarding Areas and Mineral Consultation Areas	4	0	1	0	3	4
Q38: Policy MP12 Energy minerals	0	0	0	0	0	0
Q39: Implementation, monitoring and review	1	0	0	0	1	1
Appendix 1: Existing Core Strategy and DM Policies	0	0	0	0	0	0
Appendix 2: Existing mineral site specific allocations and AOS policies	1	0	0	0	1	1
Appendix 3: Existing waste site specific allocations policies	0	0	0	0	0	0
Appendix 4: Development excluded from safeguarding	2	0	0	0	2	2
Appendix 5: Safeguarded mineral infrastructure	1	0	0	0	1	1
Appendix 6: Safeguarded mineral extraction sites	0	0	0	0	0	0
Appendix 7: Safeguarded waste management facilities	1	0	0	0	1	1
Appendix 8: Safeguarded water recycling centres	0	0	0	0	0	0
Appendix 9: Forecast waste arisings	0	0	0	0	0	0
Q40: Site MIN 12 Beetley	12	3	0	3	9	12
Q41: Site MIN 51 & 13 Beetley	12	3	2	3	7	12
Q42: Site MIN 08 Beetley	8	4	0	4	4	8
Q43: Site MIN 23 Beeston with Bittering	13	9	0	9	4	13
Q44: Site MIN 200 Carbrooke	6	0	0	0	7	7
Q45: Site MIN 116 Cranworth	8	5	0	5	3	8
Q46: Site MIN 35 Quidenham	25	19	1	19	6	26
Q47: Site MIN 102 Snetterton	6	3	0	3	5	8
Q48: Site MIN 201 Snetterton & Quidenham	7	3	0	3	5	8
Q49: Site MIN 55 Attlebridge	3	0	0	0	3	3

Section name	Respondents	Objectors	Support	Object	Comments	Total Representations
Q50: Site MIN 202 Attlebridge	8	1	1	1	6	8
Q51: Site MIN 48 Felthorpe	13	9	0	9	4	13
Q52: Site MIN 37 Frettenham& Buxton with Lammas	7	1	0	1	6	7
Q53: Site MIN 64 Horstead with Stanninghall	8	2	2	2	4	8
Q54: Site MIN 65 Horstead with Stanninghall	9	2	1	2	6	9
Q55: Site MIN 96 Spixworth, Horsham St Faith & Newton St Faith	6	1	0	1	5	6
Q56: Site MIN 203 Burgh Castle	7	2	1	2	4	7
Q57: Site MIN 38 Fritton and St Olaves	335	327	2	348	6	356
Q58: Site MIN 06 Middleton	5	0	0	0	6	6
Q59: Site MIN 45 East Rudham	10	1	2	1	9	12
Q60: Site MIN 204 Feltwell	11	1	0	1	11	12
Q61: Site MIN 19 & MIN 205 Pentney	11	2	1	2	9	12
Q62: Site MIN 74 Tottenhill	7	3	0	3	4	7
Q63: Site MIN 76 Tottenhill	7	1	0	1	7	8
Q64: Site MIN 77 Tottenhill	8	1	0	1	7	8
Q65: Site MIN 206 Tottenhill	9	1	1	1	7	9
Q66: Site MIN 32 West Dereham	6	2	0	2	4	6
Q67: Site MIN 40 East Winch	10	2	0	2	10	12
Q68: Site SIL 01 Bawsey	7	0	2	0	6	8
Q69: Area of Search AOS E Wormegay, Shouldham, Marham & Shouldham Thorpe	51	43	1	44	8	53
Q70: Area of Search AOS F Runcton Holme and Stow Bardolph	3	0	0	0	3	3
Q71: Area of Search AOS I Runcton Holme	4	0	0	0	4	4
Q72: Area of Search AOS J Tottenhill and Wormegay	5	0	0	0	6	6
Q73: Policy MP13 Areas of Search for silica sand extraction	6	2	2	2	2	6
Q74: Site SIL 02 Marham and Shouldham	386	374	1	386	12	399
Q75: Site MIN 69 Aylmerton	11	3	1	3	7	11

Section name	Respondents	Objectors	Support	Object	Comments	Total Representations
Q76: Site MIN 71 Holt	23	14	1	17	8	26
Q77: Site MIN 115 North Walsham	9	0	0	0	9	9
Q78: Site MIN 207 Edgefield	6	0	2	0	4	6
Q79: Site MIN 208 East Beckham	5	1	0	1	4	5
Q80: Site MIN 209 Earsham	26	17	2	18	7	27
Q81: Site MIN 210 Earsham	25	16	2	17	7	26
Q82: Site MIN 211 Earsham	25	17	2	18	6	26
Q83: Site MIN 25 Haddiscoe	29	20	2	20	7	29
Q84: Site MIN 92 Heckingham	9	2	0	2	8	10
Q85: Site MIN 212 Mundham	5	0	0	0	5	5
Q86: Site MIN 79	6	1	0	1	5	6
Q87: Site MIN 80	5	1	0	1	4	5
<b>TOTAL</b>	<b>856</b>	<b>810</b>	<b>91</b>	<b>977</b>	<b>450</b>	<b>1518</b>

## Background documents

Document name	Respondents	Objectors	Support	Object	Comment	Total representations
Waste Management Capacity Assessment	2	0	1	0	1	2
Draft Habitats Regulations Assessment	1	0	0	0	1	1
Sustainability Appraisal	1	0	0	0	1	1

### 2.2.1 Consultation feedback

In response to the Initial Consultation a number of responses were received which raised concerns about how the consultation was publicised and the consultation methods used.

Issues about the consultation methods used were raised in responses to proposed mineral extraction sites MIN 35 at Eccles, MIN 25 at Haddiscoe, MIN 209, MIN 210 and MIN 211 at Earsham, SIL 02 at Shouldham and Marham and AOS E at Marham, Shouldham, Shouldham Thorpe and Wormegay.

The main issues raised were:

1. The consultation letter went to only a handful of houses when the application will affect everyone living in our small village.

NCC Response: The parish council and all addresses within 250m of the proposed site boundary were informed by letter of the Initial Consultation. A distance of 250 metres was used because this represents a distance at which amenity impacts (such as noise and dust) from mineral extraction could be mitigated to acceptable levels with the minimum of controls.

2. Concerns that the parish council was not informed.

NCC Response: All town and parish councils in Norfolk and adjacent to Norfolk were informed of the Initial Consultation in writing (either by email or letter) in June 2018.

3. How did you arrive at the conclusion that only residents within 250 metres would be affected?

NCC response: A distance of 250 metres was used because this represents a distance at which amenity impacts (such as noise and dust) from mineral extraction could be mitigated to acceptable levels with the minimum of controls. The Institute of Air Quality Management 'Guidance on the Assessment of Mineral Dust Impacts for Planning' document states "adverse dust impacts from sand and gravel sites are uncommon beyond 250 metres measured from the nearest dust generating activities."

4. Consultation was not sufficiently publicised to local residents. Residents who were not written to directly did not find out about the consultation until the consultation period had nearly ended.

NCC response: The parish council and all addresses within 250m of the proposed site boundary were informed by letter of the Initial Consultation. A distance of 250 metres was used because this represents a distance at which amenity impacts (such as noise and dust) from mineral extraction could be mitigated to acceptable levels with the minimum of controls. In addition, a public notice was published in the Eastern Daily Press. The consultation was carried out in accordance with Norfolk County Council's adopted Statement of Community Involvement.

5. The consultation period should be extended beyond the initial six-week consultation period

NCC response: The Initial Consultation period was for six weeks as approved by Norfolk County Council's Environment, Development and Transport Committee. There will be another opportunity for residents to respond to the proposed sites during the six-week public consultation on the Preferred Options stage in 2019.

6. The consultation documents do not include sufficient detail on the proposed mineral extraction or restoration.

NCC response: At the Local Plan stage, less information is required to be provided by the proposers of the extraction sites than would be provided at the planning application stage.

7. The proposal report has not been made readily available, there are many elderly people in the village for whom viewing documents online and sending emails isn't an option. Although some print copies were available in Libraries these were not located in the village and would require transportation to go and view.

NCC response: Responses to the consultation could be submitted by the consultation website, by email or letter. The consultation documents were made available in accordance with the Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) England Regulations 2012 (as amended) and with the adopted NCC Statement of Community Involvement. Hard copies of the consultation documents were made available to view at every public library in Norfolk and at the main office of each Local Planning Authority in Norfolk. This approach compares favourably with the availability of hard copies of planning applications as detailed in the table of 'Actions to be taken' on page 17 of this report.

8. The map of the proposed site was not provided in the letter to residents

NCC response: The map of the proposed sites was not provided in the letter to residents because a standard letter was sent to all addresses located within 250m of any of the 45 potential mineral extraction sites. Therefore, it would have been impractical to include site specific maps with the consultation letters. The consultation letters included the website address where the consultation documents and maps of proposed sites could be viewed. This is the same as the approach that is taken when neighbours are informed of planning applications in writing. On the consultation website the map of proposed sites could be viewed in more detail and the scale could be varied to see individual houses.

9. The last time a major extension was proposed by Earsham Gravel, there was a display of the proposals in the village hall and local people were notified and encouraged to comment. This time, only a few people have received notification and little publicity has been given, with a short public consultation period.

NCC response: The contents of the Initial Consultation document are not a planning application, the Earsham sites are proposed as mineral site allocations in the Local Plan. The previous consultation that is referred to would have been for a planning application and the display in the village hall would have been arranged by the applicants (Earsham Gravels Ltd). If a planning application is submitted then there will also be a formal public consultation period on the planning application as part of the decision making process. The public consultation period was for six weeks. The parish council and all addresses within 250m of the proposed site boundary were informed of the Initial Consultation. A distance of 250 metres was used because this represents a distance at which amenity impacts (such as noise and dust) from mineral extraction could be mitigated to acceptable levels with the minimum of controls.

There will be another opportunity for residents to respond to the proposed sites during the six-week public consultation on the Preferred Options stage in spring 2019.

- 10.** The process so far has not been open and inclusive of the residents. The first document 26<sup>th</sup> June to 4 August 2017 was unknown to most residents of Marham.

NCC response: The stage that took place in June to August 2017 was a 'call for mineral extraction sites' where Norfolk County Council wrote to minerals companies and planning agents asking if they had any sites they wanted to submit for consideration as part of the Minerals and Waste Local Plan Review process. The 'call for sites' was not a public consultation stage.

- 11.** The Initial Consultation was not publicised for local residents and the Parish Council [Marham] did not know about it until the consultation started. Other residents [in Shouldham] were contacted by letter or by their parish council.

NCC response: All parish councils in Norfolk, including Marham and Shouldham PCs, and all addresses within 250m of the proposed site boundary were informed of the Initial Consultation. A distance of 250 metres was used because this represents a distance at which amenity impacts (such as noise and dust) from mineral extraction could be mitigated to acceptable levels with the minimum of controls.

- 12.** It appears that this plan has been discussed by the county council for over three years. Why have local residents not been made aware of the silica sand proposals earlier?

NCC response: The Single Issue Silica Sand Review process was carried out from 2014-2016 and was subject to multiple rounds of public consultation and an Examination in Public by an independent Planning Inspector. A number of Parish Councils engaged in the review process; Marham and Shouldham Parish Councils were informed. The Silica Sand Review was a separate local plan process to the current Minerals and Waste Local Plan Review. The Initial Consultation stage of the Minerals and Waste Local Plan Review was the first public consultation on the document. All town and parish council's in Norfolk were consulted and all addresses within 250m of a proposed site or area of search were written to about the Initial Consultation.

- 13.** The consultation period is not long enough to enable residents to review and comment on the mineral extraction proposals.

NCC response: The Initial Consultation period was for six weeks. The Local Plan process includes two public consultation stages (the Initial Consultation and the Preferred Options) and one legally required formal representations stage on the proposed Submission version of the Plan. This will be followed by an Examination of the Plan by an independent Planning Inspector. A planning application would also be required before any future extraction could take place.

- 14.** The community has not been fully informed or consulted on the proposals. The consultation process has not been set out in detail. Guidance on the rights of the community to determine how they can shape decision making has not been provided.

NCC response: : The consultation process is set out in both the adopted Norfolk County Council Statement of Community Involvement and also in Chapters 2, 3 and 4 of the Initial Consultation document which set out the consultation process, the Local Plan process so far and what happens next.

The Local Plan process includes two public consultation stages (the Initial Consultation and the Preferred Options) and one legally required formal representations stage on the proposed Submission version of the Plan.

The Local Plan process must be carried out in accordance with the relevant legislation and National planning policy and guidance. Following the formal representations period on the proposed Submission version of the Local Plan, the Plan will be subject to an examination in public carried out by an independent Planning Inspector on behalf of the Secretary of State.

The Planning Inspector will consider whether the Plan meets the legal and procedural requirements and if it meets the 'tests of soundness' set out in the National Planning Policy Framework. Following receipt of the Inspector's report, the County Council will then decide whether to adopt the Plan.

- 15.** SIL 02 - information has been deliberately withheld from local residents / residents should have been notified earlier of this proposal.

NCC response: Sibelco UK Ltd submitted site SIL02 in August 2017, in response to a 'call for sites'. This was the first time that the County Council were aware of the proposal. The proposal was subject to a six-week public consultation, as part of the Minerals and Waste Local Plan process. Information has not been withheld and residents were consulted on the proposal at the first available opportunity, as part of the Initial Consultation on the Minerals and Waste Local Plan in 2018.

- 16.** The Environment Agency and Norfolk Rivers Trust should be consulted.

NCC response: The Environment Agency and the Norfolk Rivers Trust were consulted at the Initial Consultation stage and will be consulted again at the Preferred Options stage and Pre-Submission stage.

- 17.** Social media should be used to engage more people in the consultation process.

NCC response: Social media will be used to inform people of the Preferred Options consultation stage. Responses will still need to be made by email, letter or the e-consultation website.

- 18.** The company proposing mineral extraction should leaflet drop to every home in the villages.

NCC response: This is a matter for the mineral company involved in a specific proposal. At the planning application stage there is a requirement for the applicant to submit a Statement of Community Involvement to demonstrate how the views of the local community have been sought on the application. The Statement of Community Involvement must include details of how the proposal has been advertised by the applicant in such a way to bring it to the attention of the majority of people who live at, occupy or use premises at or in the vicinity of the site; details of the means of the pre-application consultation; details of the views received from the local community; and details of how the views of those directly affected by the development have been taken into account and how this has influenced the design of the development.

- 19.** The advertised consultation deadline stated was incorrect - the advertised deadline was four days later than the actual deadline and this should be compensated by an extended consultation deadline.

NCC response: The original consultation deadline was the 13/08/2018, Norfolk County Council agreed to accept responses from Marham and Shouldham residents for an additional four days (until 17/08/2018), at the request of Marham Parish Council. There will be a further opportunity for people to comment at the Preferred Options consultation stage in 2019.

- 20.** The contributors to the site assessment document are unclear. This lack of transparency raises questions about the fairness and trustworthiness of the process and the site assessment document.

NCC response: The site assessments were written by Planning Officers at Norfolk County Council. Statutory and non-statutory bodies and individuals were consulted as part of the Initial Consultation and the comments received have been taken into account in the drafting of the Preferred Options document. The Minerals and Waste Local Plan will be subject to an examination in public by an independent Planning Inspector on behalf of the Secretary of State. The Planning Inspector will decide whether the plan is 'sound' and legally compliant.

**Actions to take for the Preferred Options Consultation:**

<b>Action to be taken at the Preferred Options Consultation stage</b>	<b>Any change from Initial Consultation?</b>	<b>Comparison with the consultation process for planning applications for mineral extraction</b>
Write to all residential addresses within 250 metres of proposed site boundary	No change. Same as Initial Consultation.	At the officer's discretion Norfolk County Council (NCC) may write to occupiers of immediate adjoining residential and commercial properties to inform them that a planning application has been submitted.
Write to everyone who responded to the Initial Consultation to inform them of the Preferred Options consultation period.	Yes, this will result in significantly more people being written to directly about the Preferred Options consultation.	Planning applications can be subject to a re-consultation due to additional information being provided by the applicant. NCC may write to people who responded to the original consultation period, to inform them of the re-consultation, but this is at the officer's discretion and it depends on the type of additional information that has been submitted.
Write to all town and parish councils within and adjacent to Norfolk, write to all Local Planning Authorities within and adjacent to Norfolk.	No change. Same as Initial Consultation.	The Local Planning Authority and the town or parish council for the area that the planning application is located in are consulted. Neighbouring councils are consulted where relevant.
Write to specific consultation bodies, general consultation bodies and other consultation bodies as detailed in the Statement of Community Involvement.	No change. Same as Initial Consultation.	Relevant statutory bodies are consulted in accordance with the Development Management Procedure Order and other relevant bodies are consulted at the case officer's discretion.
At least one site notice erected on or near each site proposed for allocation in the Local Plan	Yes, site notices were not used in the Initial Consultation stage.	At least one site notice is erected on or near the land to which the application relates.
The consultation period will be for six weeks.	No change. The consultation period was for six weeks.	The statutory consultation period is 30 days for development that requires an Environmental Statement under the EIA Regulations, and 21 days for planning applications for other mineral extraction. The period for a re-consultation is 14 days. People and organisations can request an extension of time in which to respond. NCC will consider all representations



<b>Action to be taken at the Preferred Options Consultation stage</b>	<b>Any change from Initial Consultation?</b>	<b>Comparison with the consultation process for planning applications for mineral extraction</b>
		submitted on a planning application up to the date on which the application is determined.
A public notice will be published in the EDP.	No change. A public notice was published in the EDP.	A public notice is published in the EDP.
A press release will be produced to publicise the Preferred Options Consultation stage.	Yes, a press release was not produced to publicise the Initial Consultation stage.	Norfolk County Council, as the Mineral Planning Authority, does not use press releases to publicise consultations on planning applications for mineral extraction.
The consultation documents will be available to view online. A hard copy will be available to view at County Hall Norwich and at the main office of each of the eight Local Planning Authorities in Norfolk.	Yes. Hard copies of documents will no longer be available to view in Norfolk's public libraries. As the consultation documents are available to view online, they can be viewed on the library computers if required. This is more cost effective and sustainable than printing a hard copy of each document for each library in Norfolk.	Planning application documents are available to view electronically on Norfolk County Council's website. Hard copies are not currently made available to view because all planning applications are now submitted electronically. When hard copies were available to view, they were only held at County Hall in Norwich and the main office of the relevant district council.
Social media will be used to publicise the Preferred Options Consultation stage.	Yes, social media was not used to publicise the Initial Consultation stage.	Norfolk County Council, as the Mineral Planning Authority, does not use social media to publicise consultations on planning applications for mineral extraction.

We will not be leafleting every house in every village where a mineral extraction site is proposed. Where this has sometimes happened at the planning application stage for mineral extraction sites it has been carried out by the developer of the site at their expense. As there are 43 mineral extraction sites and areas of search proposed in 40 parishes it is not considered to be appropriate to be carried out by NCC at the local plan stage.

In the table above, the consultation methods for the Local Plan have been compared with the consultation methods used for planning applications for mineral extraction. It can be seen that the consultation methods for the Local Plan are very similar to, and in some cases exceed, the methods used for planning applications for mineral extraction.

## **2.3 Duty to Co-operate**

**2.3.1** The Town and Country Planning (Local Planning) Regulations 2012 (part 8) states that the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report in relation to the Duty to Co-operate. Details of the relevant cooperation that has taken place during 2018/19 are therefore provided below.

**2.3.2** The council is inclusive throughout the plan making process, engaging and co-operating with neighbouring authorities, undertaking of public consultation exercises and working closely with key stakeholders. The council considers this process of engagement to be on-going. In 2018/19 a six-week consultation period took place on the Initial Consultation for the Norfolk Minerals and Waste Local Plan Review. The council has also responded to consultations and directly engaged on minerals and waste plans prepared by neighbouring authorities.

### **Waste**

**2.3.3** In addition to formal consultation processes, the County Council, as Minerals and Waste Planning Authority, maintains liaison with its peer authorities in the (formerly defined) East of England Region through quarterly meetings of the East of England Waste Technical Advisory Body (EoEWTAB).

**2.3.4** In addition to the County Councils adjacent to Norfolk in the East of England (Suffolk and Cambridgeshire), the meetings of the EoEWTAB include representatives of Essex and Hertfordshire County Councils, Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough Councils. The EoEWTAB is also attended by the Environment Agency, a representative of the South East Waste Planning Advisory Group, and a secretary/coordinator who also attends meetings of the London WTAB and the South East Waste Planning Advisory Group.

### **Minerals**

**2.3.5** In addition to formal consultation processes, the County Council, as Minerals and Waste Planning Authority, maintains liaison with its peer authorities in the (formerly defined) East of England Region through 6-monthly (as a minimum or as required) meetings of the East of England Aggregates Working Party (EoEAWP).

**2.3.6** In addition to the County Councils adjacent to Norfolk in the East of England (Suffolk and Cambridgeshire), the meetings of EoEAWP include representatives of Essex and Hertfordshire County Councils, Central Bedfordshire, Bedford Borough, Luton, Thurrock, Southend-on-Sea and Peterborough Councils. The EoEAWP also includes a representative of DCLG, the London Aggregates Working Party, and the South East Aggregates Working Party. The data and information collected by EoEAWP from its constituent MPAs is collated and published in Annual Monitoring Reports (AMR).

### **Norfolk**

**2.3.7** Meetings of a **Norfolk Strategic Planning Group** take place on a monthly basis, involving officer representatives from the County Council, the Norfolk District/Borough Councils, Norwich City Council, and the Broads Authority, to consider strategic planning policy issues including minerals and waste.

**2.3.8** The purpose of the group's meetings is to share information and good practice,

and to liaise over the production of local plans. This group provides the officer support to produce the Norfolk Strategic Planning Framework (NSPF). The NSPF is a non-statutory framework produced to provide a structure for addressing strategic planning issues on behalf of all local planning authorities in Norfolk. In addition to this group, meetings are held between the County Council and individual LPAs to discuss strategic planning issues including minerals and waste, and to liaise over the planning and provision of services by the County Council.

**2.3.9** A quarterly **Norfolk Strategic Planning Member Forum** has been meeting since October 2013. The purpose of the forum is to ensure that the requirements of the Duty to Cooperate, when preparing development plans, is discharged in a way which enhances the planning of strategic matters and minimises the risk of unsound plans. The forum membership includes the portfolio holders for Planning (or equivalent) in Norfolk's Local Planning Authorities, with an open invitation to attend for the planning portfolio holders and officers of Suffolk, Cambridgeshire and Lincolnshire authorities. The Forum is chaired by a councillor elected by the forum on an annual basis.

**2.3.10** The terms of reference of the Norfolk Strategic Planning Member Forum (as agreed in December 2017) state that the specific activities that the Forum will undertake are:

- Identify spatial planning issues of strategic importance that impact on more than one local planning area across Norfolk and a wider geographical area where appropriate to do so and provide the basis for working collaboratively within, and outside, of the 'core group' across a range of organisations and geographies as might be appropriate to address cross boundary strategic issues.
- Recommend the most appropriate land use planning approach to better integration and alignment of strategic spatial planning across Norfolk and a wider geographical area where appropriate.
- Provide the evidence that the Local Planning Authorities are working 'constructively, actively and on an ongoing basis' on strategic planning matters to support delivery of Local Plans which will be able to be assessed as 'sound'.
- With the agreement of member authorities, oversee the joint commissioning and preparation of evidence necessary to determine the most appropriate strategic spatial approach to cross boundary issues.
- Produce an evidenced (documented) approach to cooperation across strategic cross boundary issues at a Member level and throughout the process of Local Plan preparation.
- Undertake any consultations which from time to time may be deemed appropriate to further the work of the Forum.
- Provide, through the individual Members of the Core Group, liaison in respect of Norfolk strategic planning matters with each of the local authorities represented in the Forum.

**The Specific Outcomes of the Norfolk Strategic Member Forum are:**

- **The timely production, maintenance and publication of an evidence base sufficient to address cross boundary strategic land use issues, to identify where such issues arise and recommend actions to the member**

**authorities to address them**

- **The preparation, agreement and updating of a single non-statutory shared strategic framework document (the Norfolk Strategic Planning Framework) to inform Local Plan preparation covering any cross boundary strategic land use issues.**
- **The preparation, agreement and publication of Statements of Common Ground, Duty to Cooperate Statements and Memorandums of Understanding on behalf of, and as agreed by, the member Authorities.**
- **The local authorities represented in the Forum are suitably aware and supportive of the Forum's activities and engaged in identifying and addressing Norfolk strategic planning matters.**

### **Local Plan meetings between Norfolk County Council and Norfolk's Local Planning Authorities**

**2.3.11** These meetings have been held since 2004 to allow discussions regarding the current Local Plan situation in each Local Planning authority, to ensure that the parties to the meeting are aware of potential issues and to promote meaningful dialogue. The Mineral and Waste Planning Authority has been attending since 2011. The meetings are held on a six monthly basis. The meeting consists of officers of Norfolk County Council in its capacity as the Mineral and Waste Planning Authority, Highway Authority, Local Education Authority, Lead Local Flood Authority, Public Health Authority, the Infrastructure and Economic Growth Team, and the Local Planning Authority.

#### **During 2018/19 financial year**

**2.3.12** During the 2018/19 financial year a six-week consultation period on the Initial Consultation for the Norfolk Minerals and Waste Local Plan Review took place, as detailed in section 2.2 of this report.

**2.3.13** Co-operation with other relevant planning authorities also continued through participation in:

- Norfolk Strategic Planning Group
- Norfolk Strategic Planning Member Forum
- East of England Aggregates Working Party
- East of England Waste Technical Advisory Body
- Consultations on minerals and waste plans prepared by neighbouring authorities and other relevant planning authorities

**2.3.14** Silica sand is a nationally important industrial mineral, which is also scarce within England. Resources occur in scattered locations across the country. The silica sand in Norfolk is predominately used in glass manufacturing plants in northern England. Therefore, correspondence regarding silica sand has continued with Mineral Planning Authorities where silica sand resources or manufacturing plants occur. These MPAs include North Yorkshire, Staffordshire, Surrey, Kent, Nottinghamshire, Lincolnshire, North Lincolnshire, Worcestershire, Central Bedfordshire, Essex, Cheshire East Council, South Downs National Park and West Sussex.

## 3.0 Policy Implementation 2018-2019

### 3.1 Summary of Policy used in Reasons for Approval/Refusal

**3.1.1** On 26 September 2011, the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document (the 'Minerals and Waste Core Strategy') was adopted and this document contains the relevant local policies used to determine minerals and waste planning applications.

**3.1.2** There were 52 planning applications for minerals and waste development determined between 1 April 2018 and 31 March 2019. All applications were approved. The policies referred to in the reasons for approval or refusals were as follows:

#### Core Strategy and Minerals and Waste Development Management Policies DPD (adopted September 2011)

Policy Number	Policy Description	Number of Times Used	
		Approval	Refusal
CS1	Minerals Extraction	20	0
CS2	Locations for Mineral Extraction	19	0
CS3	Waste Management Capacity	10	0
CS4	New Waste Management Capacity	10	0
CS5	Location of Waste Management Facilities	20	0
CS6	Waste Management Considerations	32	0
CS7	Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations	13	0
CS8	Residual Waste Treatment	2	0
CS9	Inert Waste Landfill	2	0
CS10	Non-Hazardous and Hazardous Waste Landfill	0	0
CS11	Waste Water and Sewage Facilities	4	0
CS12	Whitlingham Waste Water Treatment Works	0	0
CS13	Climate Change and Renewable Energy	25	0
CS14	Environmental Protection	46	0
CS15	Transport	52	0
CS16	Safeguarding Sites	6	0
CS17	Secondary and Recycled Aggregates	3	0
DM1	Nature Conservation	30	0
DM2	Core River Valleys	1	0

Policy Number	Policy Description	Number of Times Used	
		Approval	Refusal
DM3	Groundwater and Surface Water	44	0
DM4	Flood Risk	48	0
DM5	Borrow Pits and Water Reservoirs	0	0
DM6	Household Waste Recycling Centres	1	0
DM7	Safeguarding Aerodromes	13	0
DM8	Design Local Landscape and Townscape Character	52	0
DM9	Archaeological Sites	20	0
DM10	Transport	52	0
DM11	Sustainable Development	12	0
DM12	Amenity	51	0
DM13	Air Quality	18	0
DM14	Progressive Working, Restoration and Afteruse	24	0
DM15	Cumulative Impacts	12	0
DM16	Soils	18	0

**3.1.3** On 28 October 2013, the Norfolk Minerals Site Specific Allocations DPD and the Norfolk Waste Site Specific Allocations DPD were adopted. These documents contain local policies used to determine minerals and waste planning applications located at the specific sites allocated in these plans.

### **Waste Site Specific Allocations DPD**

**3.1.4** Two new planning permissions were granted for an allocated waste site in 2018/19, however, only one of these permissions would be implemented because they are both for the same site. These permissions were for land at SPC Atlas Works, Norwich Road, Lenwade, which is allocated as site WAS 78 in the Waste Site Specific Allocations DPD for a range of potential waste management operations, including residual waste treatment. Planning applications C/5/2017/5007 and C/5/2015/5007 were granted (on 20.09.2018 and 22.08.2018) for a change of use from B8: warehousing to a sui generis use for waste processing and the production of refuse derived fuel (RDF) with an annual throughput of 150,000 tonnes per annum. As at the end of 2019 neither planning permission had been implemented.

**3.1.5** One further planning permission was granted for an allocated waste site in 2018/19. Planning application C/S/2018/2022 was for a replacement Household Waste Recycling Centre on land north of Willows Road, which is allocated as site WAS 65 in the Waste Site Specific Allocations DPD for a range of potential waste management uses. The application was to relocate the existing HWRC in order to facilitate proposals for the construction and operation of a new gas-fired power station which will use the land of the existing HWRC site. Permission for the replacement HWRC was granted on 22.03.2019. As at the end of 2019 this planning permission had not been implemented.

## Minerals Site Specific Allocations DPD

**3.1.6** No new planning permissions were granted for any allocated mineral sites in 2018/19.

### 3.2 Refused Applications

No planning applications were refused due to non-compliance with policy in the period between 1 April 2018 and 31 March 2019.

### 3.3 Appeals

Two planning appeals were determined in the period between 1 April 2018 and 31 March 2019.

Location / Planning Application Reference	Proposal
Land at Cross Bank Road, King's Lynn PE30 2HD  C/2/2016/2011	Erection of anaerobic digestion facility (to process up to 14,000 tonnes of biomass/slurry) including reception/office building and workshop, two digesters, two storage tanks, combined heat and power plant, energy crop storage area, and ancillary plant
SPC Atlas Works, Norwich Road, Weston Longville, Norwich, NR9 5SL  C/5/2015/5007	Change of use from B8: Warehousing to a Sui Generis use for waste processing and the production of Refuse Derived Fuel (RDF) with an annual throughput of 150,000 tonnes; installation of office, 2 x weighbridges, fuel store and photovoltaic panels

#### 1. Land at Cross Bank Road, King's Lynn (Ref: C/2/2016/2011)

The appeal was made against the refusal of the planning application. The reasons given for the refusal in the decision notice dated 3 April 2017 were as follows:

1. The application documentation has failed to enable determination of whether the proposed development during its construction and operation would be acceptable or whether it would result in an unacceptable impact on the safe use of Cross Banks Road in the Fisher Fleet and Dock areas. It is not possible to determine whether the benefits of the proposed development in terms of energy generation are outweighed by the impact on public safety and economic activity. The proposal is therefore contrary to the requirements of policy DM20 of King's Lynn and West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).
2. The application documentation has failed to provide sufficient information of the construction phase of the development to enable determination of whether the amenity of local residents and businesses could be protected to an acceptable level during site construction. It is therefore not possible to establish whether the facility can be constructed in a manner which would satisfy the requirements of policy DM12 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (Sept 2011) (NM&W CS & DM Policies DPD) and

Policies DM15 and DM20 of the King's Lynn and West Norfolk Borough Council, Site Allocations and Development Management Policies Plan (September 2016).

3. The application is in flood zone 3. The proposal fails to demonstrate the application of the sequential test i.e. assess whether any reasonably available sites appropriate for the proposed development exist in areas with a lower probability of flooding. The proposal also fails to satisfactorily justify locating the development in flood zone 3. Therefore the proposed development is not justified in the flood zone and conflicts with policies CS01 & CS08 of King's Lynn and West Norfolk Borough Council, Core Strategy (July 2011) and policies CS13 and DM4 of the NM&W CS&DM Policies DPD 2010-2026 (Sept 2011) and section 10 of the NPPF.

The Planning Inspector, on 17 April 2018, decided that the appeal is allowed and granted planning permission for the development, subject to 19 conditions including 9 'prior to commencement' conditions requiring the submission of additional information.

Additional information in support of the appellant's (Mr Stollery's) case was submitted in relation to the proposal during the course of the appeal, including:

- further information in relation to the Sequential Test, which seeks to demonstrate that reasonably appropriate alternative land at a lower risk of flooding is not available elsewhere.
- a Road Safety Audit and Access Road Survey.
- Revised Construction Management Plan and Traffic Management Plan

The Planning Inspector stated that "the proposal would have a number of benefits. In addition, for the reasons given, it would not be harmful in relation to flood risk, the local highway network, or with regards to living and working conditions, either during the construction or operation of the proposal. As such, overall, I find that the proposal would represent sustainable development and would be in accordance with the development plan as a whole".

As at the end of 2019 this planning permission had not been implemented.

## **2. Land at SPC Atlas Works, Norwich Road, Weston Longville, Norwich (Ref: C/5/2015/5007)**

The appeal was made against the refusal of the planning application. The application was refused by the Planning (Regulatory) Committee against the officer recommendation for approval. The reasons given for the refusal in the decision notice of 3 May 2017 were as follows:

1. NMWDF policy DM3: *groundwater and surface water* seeks to ensure that developments do not adversely impact on groundwater quality or resources, or surface water quality or resources. NMWDF policy CS14: *Environmental protection* states developments must ensure that there are no unacceptable adverse impacts on biodiversity including internationally designated sites and species. Policy 1: *Addressing climate change* and protecting environmental assets, and Policy 2: *Promoting good design*, of the Joint Core Strategy seek



to design development to avoid harmful impacts on key environmental assets including Special Areas of Conservation. Broadland Development Management Policy EN1: *Biodiversity and Habitats* seeks to ensure there are no adverse impacts on the water environment including the River Wensum designated as a SAC under European legislation. Paragraph 120 of the NPPF states that planning decisions should ensure the effects of pollution on the natural environment, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. Whilst it is acknowledged that the site is allocated in the NMWDF Waste Site Allocations DPD, it is considered that this application has not sufficiently demonstrated that there would not be adverse impacts on the groundwater and surface water environment including the River Wensum SAC, which is located some 200 metres from the site, with regard to measures and safeguards to be employed including drainage and therefore the proposal is not considered to comply with these policies, and the NPPF.

2. NMWDF Policy DM9: *Archaeological sites* states development will only be permit where it would not adversely affect the significance of heritage assets (and their settings) of national importance. Policy EN2: *Landscape of the Broadland Development Management DPD* states proposals should have regard to the Landscape Character Assessment SPD and, in particular, consider any impact on as well as seek to protect and enhance where appropriate inter alia Scheduled Ancient Monuments. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The application site is located south of Tumulus in the Warren scheduled monument, a Bronze Age Barrow, that is considered of national importance. Whilst it is acknowledged that the site is allocated in the NMWDF Waste Site Allocations DPDP, it is considered that the application as proposed would adversely impact the setting of the scheduled monument, and sufficient public benefits have not been demonstrated to justify the less than substantial harm that would be caused to it. Accordingly, the proposal is considered contrary to these policies and the NPPF.

The Planning Inspector, on 22 August 2018, decided that the appeal is allowed and granted planning permission for the development, subject to conditions. The Inspector stated that “I find that there is general support for the proposals in the adopted Mineral and Waste Plan for the county and I accord this considerable weight. The risk of pollution to the River Wensum SAC would be satisfactorily mitigated by the latest drainage proposals and the less than substantial harm to the SAM would be outweighed by the benefits of a sustainable waste management facility on the allocated site.”

As at the end of 2019 this planning permission had not been implemented.

### **3.4 Applications Approved Contrary to Policy**

The following planning applications were granted approval contrary to policy in the period between 1 April 2018 and 31 March 2019:

#### **C/1/2017/1003 – Boundary Pit, Off Sandy Hills, Old Yarmouth Road, North Walsham, NR28 9NA**

The application was for an extension of the waste recycling site and an increase in annual throughput from 75,000 to 90,000 tonnes, to include an additional area for inert storage, building extensions, picking line, installation of 12no. PV panels, perimeter bunding, vehicle parking area (part retrospective).

The application was advertised as a departure from the development plan because the application site is on 2 hectares of grade 3 agricultural land and in the open countryside. The proposed site extension is not allocated in the adopted Waste Site Specific Allocations Plan and is not located on any of the types of land specified in Policy CS6 '*General waste management considerations*' of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD. The proposed extended site also does not fulfil the locational requirements of NMWDF Policy CS5: '*General location of waste management facilities*' with a strategic-sized facility of 75,000 tonnes per annum not within, well related or close to the major settlements.

The application was recommended for refusal in the Planning Officer's report to the Planning (Regulatory) Committee on 23 March 2018. However, the Committee believed the waste site should be granted permission and resolved to approve the application. The material considerations that weighed in favour of granting planning permission were that the proposals would not have a negative impact on the landscape due to existing bunding and landscaping already in place and due to the existing / previous development in the vicinity of the site, hence the site was not considered to be typical open countryside. The development also accorded with the Norfolk M&W LDF CS & DM Policies DPD (2010-2016) Waste Policy CS3 (Waste Management capacity) and Policy CS4 (New waste management capacity).

#### **C/7/2017/7019 - Old Hethel Airfield, Stanfield Road, Wymondham, NR18 9RL**

The application was for a change of use from agricultural land and amendment of the approved layout of the existing composting facility so as to provide a replacement enlarged surface water drainage lagoon, additional hardstanding for storage / composting of green waste, and landscaping. -

The application was advertised as a departure from the development plan because the application site does not fall within any of the types of land considered appropriate for waste management development under Policy CS6 '*General waste management considerations*' of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD.

The application site lies outside any defined development boundary and is identified in the South Norfolk Local Plan – Policies Map as being within the *Countryside*. Whilst part of the site has the benefit of an extant planning permission for composting, the proposal includes change of use to waste management purposes on land which is not formally allocated for waste development within the NMWDF Waste

Site Specific Allocations DPD (2013) and which lies within agricultural land, i.e. open countryside.

However, it is concluded that there are other material planning considerations which justify recommending approval for the development, as follows:

Whilst the encroachment into the countryside is such that the proposal would conflict with NMWLDF CS policy CS6, and the grant of permission would represent a departure from this policy, it is considered that the extension is well related to the existing site and the encroachment of around half a hectare into the countryside is not so significant as to represent an unacceptable loss of open countryside.

The proposal is considered to be in compliance with other key policies in the development plan that weigh in its favour, including South Norfolk Local Plan policies DM1.3 '*the sustainable location of new development*', DM2.1 '*employment and business development*' and DM2.8 '*equestrian and other changes of use of agricultural land*' and NMWLDF Core Strategy policies CS5 '*general location of waste management facilities*' and CS7 '*Recycling, composting, anaerobic digestion and waste transfer stations*'.

The proposal involves the storage and composting of green waste and therefore is consistent with the overarching thrust of *National Planning Policy for Waste* in dealing with waste in a more sustainable manner.

Overall, it is concluded above that there are no overriding environmental, amenity or highway impacts. A case has been made by the applicant for extending the site to use some unallocated land (in order for the additional hardstanding to be in close proximity to the current operational part of the site and in order to be able to function with it), and there are no strong grounds for maintaining an objection in the context of NMWLDF CS policy CS 6.

### **C/7/2018/7002 - Costessey Quarry, Alex Moorhouse Way, Longwater Industrial Estate, Costessey. NR8 5BG**

The application was for the proposed restoration of a former quarry and amendment of extant restoration landform through the importation of recycling residues.

The application was advertised as a departure from the development plan because the application site does not fall within any of the types of land considered appropriate for waste management development under Policy CS6 'General waste management considerations' of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD. As the application site forms part of a former mineral working where provision for restoration has been made through development control procedures, requiring restoration of the site by December 2011, it is not considered that the site is in waste management use or is previously developed land. The site is not formally allocated for industrial / employment use in the South Norfolk Local Plan or for waste development in the Norfolk Waste Site Specific Allocations DPD.

However, it is concluded that there are other material planning considerations which justify recommending approval for the development, as follows: The provision of additional 16,300 m<sup>3</sup> quarry restoration void space for restoration with the aid of soils recovered from inert waste recycling operations, as provided by the proposal, would be in accordance with the need for additional inert landfill/quarry restoration void

space identified in Policy CS4. The applicant states that the proposed revised landform, with topographical levels akin to those pre-extraction, will become assimilated more effectively into the wider environment and landform than that approved. The encroachment into the countryside is not so significant as to raise a landscape objection. Overall, it is concluded that there are no overriding environmental, amenity or highway impacts. On balance, there are no strong grounds for maintaining an objection in the context of policy CS6.

**C/7/2018/5007 - Land Adjacent The Runway, Woodforde Farm, Weston Longville, Norwich, NR9 5LG**

The application was for a change of use of an existing concrete hardstanding from poultry farming to storage of processed bark, woodchips and timber logs (part retrospective).

The application was advertised as a departure from the development plan because the application site does not fall within any of the types of land considered appropriate for waste management development under Policy CS6 'General waste management considerations' of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD. As the application site comprises agricultural land, the site is not in waste management use and it is not previously developed land. The site is not formally allocated for industrial / employment use in the Broadland Site Allocations DPD or for waste development in the Norfolk Waste Site Specific Allocations DPD.

However, there are other material considerations, which, on balance, justify a recommendation of approval for this development, as follows: It is considered that this proposal is compliant with Policy CS5 (*General location of waste management facilities*), which seeks to locate waste management facilities in the areas and settlements named, and Policy CS7 (*Recycling, composting, anaerobic digestion and waste transfer stations*) which advises that, the expansion of recycling and composting facilities will be considered favourably, so long as they would not cause unacceptable environmental, amenity and/or highways impacts.

## 4. Monitoring the implementation of the Core Strategy and Development Management Policies

**4.1** The Core Strategy and Minerals & Waste Development Management Policies DPD was adopted in September 2011. Chapter 8 of the Core Strategy details the indicators to be used to monitor the effectiveness of the Core Strategy and Development Management policies. For consistency with the other sections of this monitoring report, the data in the following table is for the period up to the end of March 2019.

**4.2** Data on the number of sites located within the specified proximity of environmental and landscape designations are for safeguarded sites only. Safeguarded mineral and waste sites are those considered to be significant enough to the county's mineral or waste capacity that they should be offered a degree of protection under policy CS16. This means that smaller sites are not currently included in the assessment of these indicators.

*Please Note:*

- *Some safeguarded sites were granted permission prior to the Core Strategy being adopted. Therefore, these historic applications would have been determined against the policies relevant at that time and may not fully reflect current policies or indicators.*
- *Although some sites may be within the indicator distance of environmental designations etc this does not indicate that an adverse effect on the designations is expected.*
- *Where an indicator refers to adjacency, this is taken to be 250 metres. 250 metres is the standard consultation distance used in Core strategy policy CS16-safeguarding.*

Objective	Relevant policies	Indicator	Performance
Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements	CS1	Landbank for sand and gravel Landbank for carstone Landbank for silica sand Annual production of sand and gravel (tonnes) Annual production of carstone (tonnes) Annual production of silica sand (tonnes)	Performance against these indicators will be reported in the Local Aggregate Assessment and Silica Sand Assessment
Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements	CS16	Number of non-minerals and waste planning applications granted by LPAs within safeguarded areas (unless they fall within the exclusions set out in Appendix C)	Since the adoption of the Core Strategy, up to 31 March 2019: <ul style="list-style-type: none"> <li>• One major application has been approved on Mineral Safeguarding Areas in the face of sustained objections on mineral safeguarding</li> </ul>

Objective	Relevant policies	Indicator	Performance
			<p>grounds (At Downham Market on silica sand resource).</p> <ul style="list-style-type: none"> <li>• A total of 109 major applications have received a detailed mineral safeguarding response.</li> <li>• 23 relevant planning permissions granted for housing contained conditions to require mineral assessment and prior extraction and reuse,</li> <li>• there are also 7 applications to be determined where such a condition has either been proposed or agreed, and</li> <li>• 11 applications were refused for other reasons, although a mineral safeguarding condition had been agreed.</li> </ul> <p>In the monitoring year up to 31 March 2019, 26 major applications received a detailed mineral and waste safeguarding response, with 10 of those proposing a condition for either further assessment and potential prior extraction and reuse.</p>
<p>Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements</p>	<p>CS16</p>	<p>Proposed additional indicator of: Number of Neighbourhood Plans containing policies relating to mineral safeguarding.</p>	<p>The following Neighbourhood Plans in force in Norfolk by the end of 2018 have addressed mineral safeguarding, and contain policies where appropriate: Cringleford, Strumpshaw, Sprowston, Acle, Great and Little Plumstead, Mulbarton, Brancaster, Brundall, Old Catton, Drayton, Blofield, Easton, Hellesdon, Mattishall, Rackheath, Salhouse, Walpole Cross Keys, North Runcton &amp; West Winch, Yaxham, Attleborough, Horsford. Snettisham NP allocates a site for development on a Mineral Safeguarding Area but does <b>not</b> address mineral safeguarding in the site policy.</p>

Objective	Relevant policies	Indicator	Performance
			<p>NCC considered that the NP for South Wootton (2015) did not meet the basic conditions test because it did not take into account Policy CS16 on mineral safeguarding. However, the Independent Examiner did not consider that any modification to the plan was required in this regard or make any reference to this policy in his report.</p>
<p>Ensure steady and adequate provision of primary, and increasingly recycling and secondary minerals to meet requirements</p>	<p>CS17</p>	<p>Number of district council LDFs containing a policy in accordance with CS17: use of secondary and recycled aggregates.</p>	<p>The Norfolk Minerals and Waste Core Strategy was adopted in September 2011. The following Norfolk Local Planning Authorities had adopted their Core Strategies before September 2011: North Norfolk, Breckland, King's Lynn &amp; West Norfolk, Norwich, Broadland, South Norfolk and the Broads Authority.</p> <p>North Norfolk and Breckland had adopted their Development Management Policies prior to September 2011 and the Broads Authority adopted their DM policies in November 2011.</p> <p>The following planning policy documents have been adopted since the Minerals and Waste Core Strategy:</p> <p>Norwich City's DM policies document (2014) does not contain a policy in accordance with CS17. Broadland's DM policies document (2015) contains policy GC4 which requires developments to make efficient use of resources and South Norfolk's DM policies document (2015) contains policy DM1.4 which refers to recycling building materials. Great Yarmouth's Core Strategy (2015) contains policy CS12 which promotes the use of secondary and recycled aggregates in all new non-residential developments.</p>

Objective	Relevant policies	Indicator	Performance
			<p>These policies are considered to be in accordance with CS17.</p> <p>King's Lynn and West Norfolk DM Policies and Site Allocations DPD (2016) does not contain a policy in accordance with CS17.</p> <p>Long Stratton AAP (2016) does not contain a policy in accordance with CS17, but development within Long Stratton would be covered by South Norfolk's Policy DM1.4.</p> <p>Broadland Growth Triangle AAP (2016) and Site Allocations DPD (2016) do not contain a policy in accordance with CS17, but development within Broadland would be covered by Broadland's adopted Policy GC4.</p>
<p>Increase the proportion of waste recycling, composting and energy recovery</p>	<p>CS4 CS7 CS8 CS9 CS10 CS13 CS17 DM11</p>	<p>New waste management capacity</p> <p>% of local authority collected municipal waste :</p> <ul style="list-style-type: none"> <li>- Recycled</li> <li>- Composted</li> <li>- Energy recovery</li> </ul> <p>% of waste received at waste management facilities in Norfolk that is recycled/ recovered</p> <p>Renewable energy generation capacity at waste management facilities (MW)</p> <p>Quantity of recycled and secondary aggregate produced in Norfolk</p>	<p>Performance against these indicators will be reported in the Waste Data Monitoring Report</p>
<p>Minimise the amount of waste sent to landfill</p>	<p>CS4 CS7 CS8 CS9 CS10</p>	<p>% of local authority collected municipal waste landfilled</p> <p>Waste input to non-hazardous landfill (tonnes)</p> <p>Waste input to hazardous landfill (tonnes)</p> <p>Waste input to inert landfill</p>	<p>Performance against these indicators will be reported in the Waste Data Monitoring Report</p>



Objective	Relevant policies	Indicator	Performance
		(tonnes) Inert, non-hazardous and hazardous landfill capacity (cubic metres and years) Quantity of London waste disposed of in Norfolk (tonnes)	
Ensure mineral working takes place as close as reasonably possible to where these resources are used, and that waste is treated as close as reasonably possible to where it is generated	CS2 CS5 CS9 CS10	Location of allocated sites and distance from main settlements and market towns	Waste management sites – 29 sites are allocated. Only 3 sites are located at greater distances to the relevant settlements than proposed by the supporting text to policy CS5. However, two are extensions to operations at existing sites (in accordance with policy CS6) and one is for small scale composting.  Mineral extraction sites – 28 sites are allocated. Only three sites (MIN83, MIN90 and MIN91) are over 10 miles from a relevant settlement. These sites are all extensions to one existing mineral working and are approximately 11 miles from Great Yarmouth. Therefore, it is considered that these sites are still in accordance with Policy CS2.
Ensure mineral working takes place as close as reasonably possible to where these resources are used, and that waste is treated as close as reasonably possible to where it is generated	CS2 CS5 CS9 CS10	Distance of mineral extraction and associated development and waste management facilities from main settlements and market towns for which planning permission has been granted  [This indicator has been monitored for planning permissions granted for new sites, not for changes to existing sites]	One new mineral extraction site was permitted in 2018/19. The site is less than 10 miles from Dereham and located in accordance with Policy CS2.  Waste applications 2018/19 – 11 permissions granted for 10 new or extended waste management facilities. Two are not located in accordance with Policy CS5.
Increase the use and availability of sustainable transport in accessing waste and/or minerals facilities	CS15 DM10	Number of minerals and waste planning applications approved to utilise transport methods via road, rail or water  [This indicator has been monitored for planning permissions granted for new	One new mineral extraction site was permitted in 2018/19; it uses road transport.  Waste applications 2018/19 – 11 permissions granted for 10 new or extended waste management facilities; all use

Objective	Relevant policies	Indicator	Performance
		sites, not for changes to existing sites]	road transport.
Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities	CS15 DM10	Number of reported accidents involving HGVs (a goods vehicle of 3.5 tonnes or more)  [This indicator is monitored in relation to all accidents in Norfolk]	2018/19 – 71 HGV accidents of which 5 were fatal and 19 were serious.  Goods vehicles where the class has not been noted: 149 accidents of which 2 were fatal and 25 serious. As the class of goods vehicle has not been noted, these figures may include accidents involving HGVs.
Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities	CS15 DM10	Number of minerals or waste planning applications granted that involve highway infrastructure upgrades/improvements  Number of mineral or waste planning applications granted that include direct access to corridors of movement  [Trunk roads, such as the A11/A47/A10 and A class roads are designated as corridors of movement]  [The original indicator has been split into two to improve the clarity of what is being reported]	One new mineral extraction site was permitted in 2018/19. The application required highway improvements in the form of visibility splays where the site access meets the highway. The application did not include direct access to a corridor of movement.  Waste 2018/19 – 11 permissions granted for 10 new or extended waste management facilities. Two sites (three permissions) include direct access to a corridor of movement (A-road). Three sites (two permissions) involved highway infrastructure upgrades or improvements.
Mitigate the adverse traffic impacts of mineral extraction and waste management facilities	CS15 DM10	Number of substantiated complaints concerning lorry traffic	2018/19 – 2 complaints
Minimise the impact of mineral working and waste management facilities on the environment by promoting innovative opportunities to enhance and protect biodiversity, landscape and geodiversity, water	CS14 DM1 DM8	Number of minerals and waste sites within 5km of a Special Area of Conservation (SAC)	24 safeguarded mineral sites 43 safeguarded waste sites 33 safeguarded WWTWs

Objective	Relevant policies	Indicator	Performance
supply, the wider countryside and cultural heritage			
As above	CS14 DM1 DM8	Number of minerals and waste sites within 5km of a Special Protection Area (SPA)	13 safeguarded mineral sites 27 safeguarded waste sites 23 WWTWs
As above	CS14 DM1 DM8	Number of minerals and waste sites within 5km of a Ramsar site	12 safeguarded mineral sites 19 safeguarded waste sites 17 WWTWs
As above	CS14 DM1 DM8	Number of minerals and waste sites within 2km of a Site of Special Scientific Interest (SSSI)	30 safeguarded mineral sites 43 safeguarded waste sites 28 WWTWs
As above	CS14 DM1 DM8	Number of minerals and waste sites within 2km of a National Nature Reserve (NNR)	0 safeguarded mineral sites 4 safeguarded waste site 8 WWTWs
As above	CS14 DM1 DM8	Number of minerals and waste sites adjacent to a Local nature Reserve	0 safeguarded mineral sites 1 safeguarded waste site 2 WWTWs
As above	CS14 DM1 DM8	Number of minerals and waste sites adjacent to a County Wildlife Site	17 safeguarded mineral sites 11 safeguarded waste sites 23 WWTWs
As above	CS14 DM1 DM8	Number of minerals and waste sites adjacent to a Regionally Important Geodiversity Sites (RIGS) (now called County Geodiversity sites)	1 safeguarded mineral site 0 safeguarded waste sites 0 WWTWs
As above	CS14 DM8	Number of minerals and waste sites within the Area of Outstanding Natural Beauty (AONB)	2 safeguarded mineral sites 3 safeguarded waste sites 6 WWTWs
As above	CS14 DM8	Number of minerals and waste sites within the Heritage Coast	Nil
As above	CS14 DM1 DM8	Number of minerals and waste sites within the Broads Authority Executive Area	1 safeguarded mineral site 2 safeguarded waste sites 4 WWTWs
As above	CS14 DM2	Number of minerals and waste sites within a Core River Valley	5 safeguarded mineral sites 7 safeguarded waste sites

Objective	Relevant policies	Indicator	Performance
			12 WWTWs
As above	CS14 DM8	Number of minerals and waste planning applications refused on grounds of design or landscape	No applications were refused in 2018/19.
As above	CS14 DM8 DM9	Number of minerals and waste sites in or adjacent to a registered historic park or garden	0 safeguarded mineral sites 0 safeguarded waste sites 1 WWTW
As above	CS14 DM8 DM9	Number of minerals and waste sites within or adjacent to Conservation Areas	6 safeguarded mineral sites 8 safeguarded waste sites 11 WWTWs
As above	CS14 DM8 DM9	Number of minerals and waste sites adjacent to listed buildings	15 safeguarded mineral sites 4 safeguarded waste sites 22 WWTWs
Minimise the impact of mineral working and waste management facilities on the environment by promoting innovative opportunities to enhance and protect biodiversity, landscape and geodiversity, water supply, the wider countryside and cultural heritage	CS14 DM9	Number of archaeological sites adversely affected by minerals extraction and associated development or waste management facilities.	No archaeological sites were adversely affected by new planning permissions for minerals extraction and associated development or waste management facilities in 2018/19.
Minimise the impact of mineral working and waste management facilities on the environment by promoting innovative opportunities to enhance and protect biodiversity, landscape and geodiversity, water supply, the wider countryside and cultural heritage	CS14 DM1	Area of Biodiversity Action Plan (BAP) habitat lost to, or created by, minerals extraction and associated development and waste management activities  [Amend indicator to refer to new permissions only and planned restoration]  [Note that performance against this indicator has been assessed qualitatively as it has not been possible to assess the area of BAP habitats affected quantitatively.]	One new mineral extraction site was permitted in 2018/19. No BAP habitat will be lost.  Waste 2018/19 – 11 permissions granted for 10 new or extended waste management facilities. No BAP habitat will be lost.

Objective	Relevant policies	Indicator	Performance
Minimise the impact of mineral working ... on the environment by promoting innovative opportunities to enhance and protect biodiversity, landscape and geodiversity, water supply, the wider countryside and cultural heritage	DM14	% of mineral workings covered by progressive restoration schemes	One new mineral extraction site was permitted in 2018/19. The site has a progressive restoration scheme in 4 phases.
Minimise the impact of mineral working and waste management facilities on the environment by promoting innovative opportunities to enhance and protect biodiversity, landscape and geodiversity, water supply, the wider countryside and cultural heritage	DM11	Number of applications demonstrating a good standard of design, use of sustainable materials and water efficient design  [Amend indicator to refer to permissions instead of applications]	One new mineral extraction site was permitted in 2018/19. Policy DM11 was not considered to be applicable to the new mineral extraction site.  Waste 2018/19 – 11 permissions granted for 10 new or extended waste management facilities. Policy DM11 was not considered to be applicable to seven of the waste management facilities permitted. The other three facilities were considered to comply with policy DM11.
Minimise soil and water contamination and flood risk arising from minerals and waste activities	CS14 DM3	Number of minerals and waste sites within groundwater Source Protection Zone 1	3 safeguarded mineral sites 7 safeguarded waste sites 0 WWTW
Minimise soil and water contamination and flood risk arising from minerals and waste activities	CS14 DM3	Groundwater and surface water quality	The policy is effective and due regard has been paid to groundwater and surface water in the determination of planning applications. In 2018/19 policy DM3 was listed in the reasons for approval 44 times.
Minimise soil and water contamination and flood risk arising from minerals and waste activities	DM4 CS13	Number of minerals and waste planning permissions granted contrary to the advice of the Environment Agency on flood risk grounds	No planning applications were granted contrary to Environment Agency advice on flood risk grounds.

Objective	Relevant policies	Indicator	Performance
<p>Reduce methane and CO2 emissions from mineral extraction and associated development and waste management facilities</p> <p>Contribute to the renewables obligation and targets for renewable energy by increasing the proportion of energy recovery from waste</p>	<p>CS13</p> <p>CS8</p> <p>DM11</p>	<p>% of methane emissions from landfill sites escaping into the atmosphere</p> <p>% of methane emissions from landfill sites used in power generation</p> <p>Renewable energy generation capacity at waste management facilities</p> <p>Quantity of waste managed through processes generating renewable energy</p>	<p>Performance against these indicators will be reported in the Waste Data Monitoring Report</p>
<p>Reduce methane and CO2 emissions from mineral extraction and associated development and waste management facilities</p> <p>Contribute to the renewables obligation and targets for renewable energy by increasing the proportion of energy recovery from waste</p>	<p>CS13</p> <p>CS8</p> <p>DM11</p>	<p>Number of minerals and waste operations securing at least 10% of their energy on site from renewable or low-carbon sources</p>	<p>One new mineral extraction site was permitted in 2018/19; it did not propose the production of any renewable energy.</p> <p>Waste 2018/19 – 11 permissions granted for 10 new or extended waste management facilities. Four of the waste management facilities (five permissions) include the production of renewable energy, one with anaerobic digestion and the others with PV panels.</p>
<p>Ensure that minerals and waste facilities and transportation do not lead to AQMAs and that emissions are reduced</p>	<p>CS15</p> <p>DM13</p>	<p>Number of minerals and waste management sites within an AQMA</p>	<p>None</p>
<p>Ensure that minerals and waste facilities and transportation do not lead to AQMAs and that emissions are reduced</p>	<p>CS15</p> <p>DM13</p>	<p>Number of AQMAs within Norfolk</p> <p>[Indicator to be amended to report the <b>area</b> of AQMAs within Norfolk because three separate AQMAs in Norwich have now been replaced by one larger central Norwich AQMA.]</p>	<p>Four – one in Norwich, two in King's Lynn and one in Swaffham which have all been declared for exceeding limits of nitrogen dioxide from traffic sources.</p> <p>The total area of all AQMAs in Norfolk is 284.7 hectares, the largest of which covers 274.06 hectares of Norwich City centre.</p>

Objective	Relevant policies	Indicator	Performance
Mitigate adverse impacts on amenity resulting from mineral extraction and associated development and waste management facilities	CS14 DM12 DM10 CS15 DM8 DM15 CS7 CS12 CS11	Number of substantiated complaints about amenity impacts from minerals and waste activities	2018/19 – 14 complaints
Mitigate adverse impacts on amenity resulting from mineral extraction and associated development and waste management facilities	CS16	Number of non-minerals and waste planning applications granted by local planning authorities within safeguarded areas <i>which are not exempt from Policy CS16 and do not take account of safeguarding.</i>  [Amend indicator to more accurately reflect Policy CS16 as detailed above]	None  There were 7 non-minerals and waste planning applications on Mineral Safeguarding Areas in 2018/2019 where CS16 was relevant and the Mineral Planning Authority made a consultation response. Of these two have been granted, one refused, and four were not determined by end of March 2019. There was not a sustained mineral objection to the applications that were granted.

## 5. Policy Conclusions

**The key findings from the Monitoring Report for 2018/19 are:**

### **Implementation of the Minerals and Waste Development Scheme**

During the 2018/19 reporting period a six-week representations period took place on the Initial Consultation (Regulation 18) stage of the Norfolk Minerals and Waste Local Plan.

A revised MWDS was adopted in June 2018. The revised MWDS reflected the changes to the timetable for the new Norfolk Minerals and Waste Local Plan that occurred because of the additional work required on the Pre-Submission modifications, examination and main modifications to the Silica Sand Review. This work on the modifications to the Silica Sand Review delayed the preparation on the new Minerals and Waste Local Plan.

The first public consultation stage on the new Minerals and Waste Local Plan took place in July and August 2018. Due to both the number of comments received in response to the Initial Consultation and the inclusion of a 'call for waste management facilities' in the M&WLP process in January 2019, it was not possible to undertake the Preferred Options consultation stage at the time anticipated in the adopted MWDS. The Preferred Options consultation stage took place in September/October 2019, which was later than the date contained in the adopted MWDS. This will have a knock-on effect on all the other stages of the M&WLP. A formal revision to the MWDS was therefore necessary and a revised MWDS was prepared and brought into effect on 1 September 2019.

### **Policy Performance**

Four planning applications were granted approved contrary to policy during 2018/9.

Two appeals were determined during 2018/19. Both appeals were made against the refusal of planning applications for waste management facilities. The Planning Inspector allowed both the appeals and granted planning permissions for both developments, with conditions.

No planning permissions for minerals site allocations were granted in 2018/19.

Three planning permissions for allocated waste sites were granted in 2018/19. The permissions had not been implemented by the end of 2019.

The main findings from monitoring the indicators contained in the adopted Core Strategy were:

Policy CS2 – planning permission was granted for one new mineral extraction site in 2018/19. The site is located in accordance with Policy CS2.

Policy CS5 - 11 permissions were granted for 10 new or extended waste management facilities. Two of these permissions were not located in accordance with policy CS5.

Policy CS13 – planning permission was granted for one new mineral extraction site; it did not include the production of renewable energy on-site. Eleven permissions were granted for 10 new or extended waste management facilities, four of the facilities include the production of on-site energy.

Policy CS16 - No major applications were approved on Mineral Safeguarding Areas in the face of sustained objections on mineral safeguarding grounds.



## **6. Monitoring and Enforcement**

### **Summary**

Annual monitoring report on the monitoring and enforcement progress of mineral, waste and Regulation 3 sites for the period from 1 April 2018 to 31 March 2019. As an overview of performance achieved to date:

Levels of complaints received in 2018/2019 have remained at the previous level, with 47 received.

Planning applications received as a result of monitoring have remained at a high level with 35 out of a total 103 applications received and 9 discharge of condition applications out of a total of 34 received. The chargeable inspection regime continues to operate successfully with inspections generating £65,165, representing an increase of £618 over the previous year.

All complaints received have been actioned in 3 working days. This is above the 80% target proposed as regional guidance best practice. The impact of future complaints will be assessed for risk and actions and inspection carried out accordingly.

Local liaison meetings remain at 8. Liaison meetings with other authorities are ongoing.

The landfill site at Aldeby finished accepting waste for disposal in July 2016. The remaining landfill sites at Blackborough End and Feltwell were mothballed and did not receive any non-hazardous waste during the year 2018/2019, whilst five former landfill sites have been restored satisfactorily. Surveys indicate a general compliance with agreed pre-settlement contour plans.

The number of aftercare and long term management meetings relating to restoration have remained constant with 12 long term management meetings and 16 aftercare meetings.

Four temporary stop notices, one Breach of Condition Notice and eleven Planning Contravention Notice was served in 2018/2019 representing an increase over the previous year. Two cases associated with the Proceeds of Crime Act 2002 were ongoing from previous years.

### **6.1 Introduction**

This is the latest of the annual briefing notes on progress with minerals, waste and Regulation 3 (County Council development) sites monitoring. The adopted Minerals and Waste Core Strategy contains policies committing the Authority to achieving high standards of operations and restoration and ensuring effective monitoring, enforcement and education to achieve them. Further details are included in the County Council's approved enforcement policy. When operators are complying fully with all conditions, then it is accepted that operators are working to a high standard. Complaints can be a reasonable indicator of performance on site, and pro-active monitoring seeks to reduce complaints by maintaining the standard of full compliance.

### **6.2 Site Monitoring Programme**

The Council continues to be pro-active in dealing with planning problems on sites. The Council is continuing with a risk based approach to the monitoring of minerals, waste and Regulation 3 development, with visits/inspections carried out over a

prescribed scale. This helps to ensure a consistent, even handed and preventative approach when dealing with all mineral and waste development sites across the County. It also targets those sites where there is likely to be a greater impact on the environment, in the event of non-compliance. This pro-active approach allowed officers to identify non-compliances, and this has helped to forestall complaints from the public (see figure 1). The effective resources used to monitor active sites are also helping to maintain the number of complaints at a low level (see figure 2).

### 6.3 Inspections

Over 557 programmed inspections were undertaken during 2018/2019 (see figure 1) and 102 inspections were undertaken as a result of ongoing complaint investigations (see figure 2).

The chargeable inspection regime has necessitated a more prescriptive monitoring approach requiring a formal reporting arrangement, and invoicing system. This increases the average amount of officer time taken up with each visit. The chargeable site monitoring regime has generated £65,165 (see figure 3). The chargeable fees set by the government for site inspections increased on 1 January 2018 from £331 to £397 per inspection of active sites and from £110 to £132 for dormant/mothballed sites. The income generated by the chargeable monitoring regime has increased by £618 on the previous year.

Levels of complaints received have remained at the previous level of 47 with minerals and waste related complaints increasing to 43 and Regulation 3 complaints reducing to 4. However, many of these complaints require a number of investigation actions to fully resolve matters. A number of actions also in relation to pre-existing complaints at Cornish Way, North Walsham continue to use disproportionate staff resources when responding with an appropriate response (see figure 2).

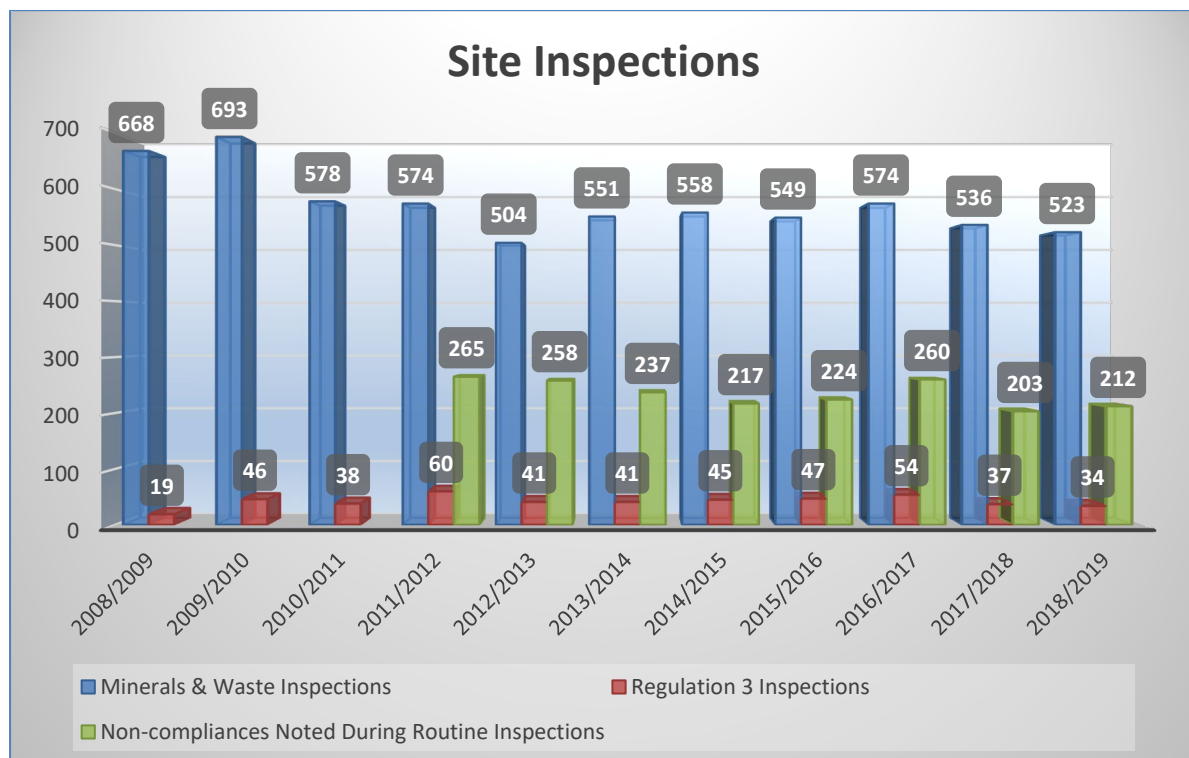
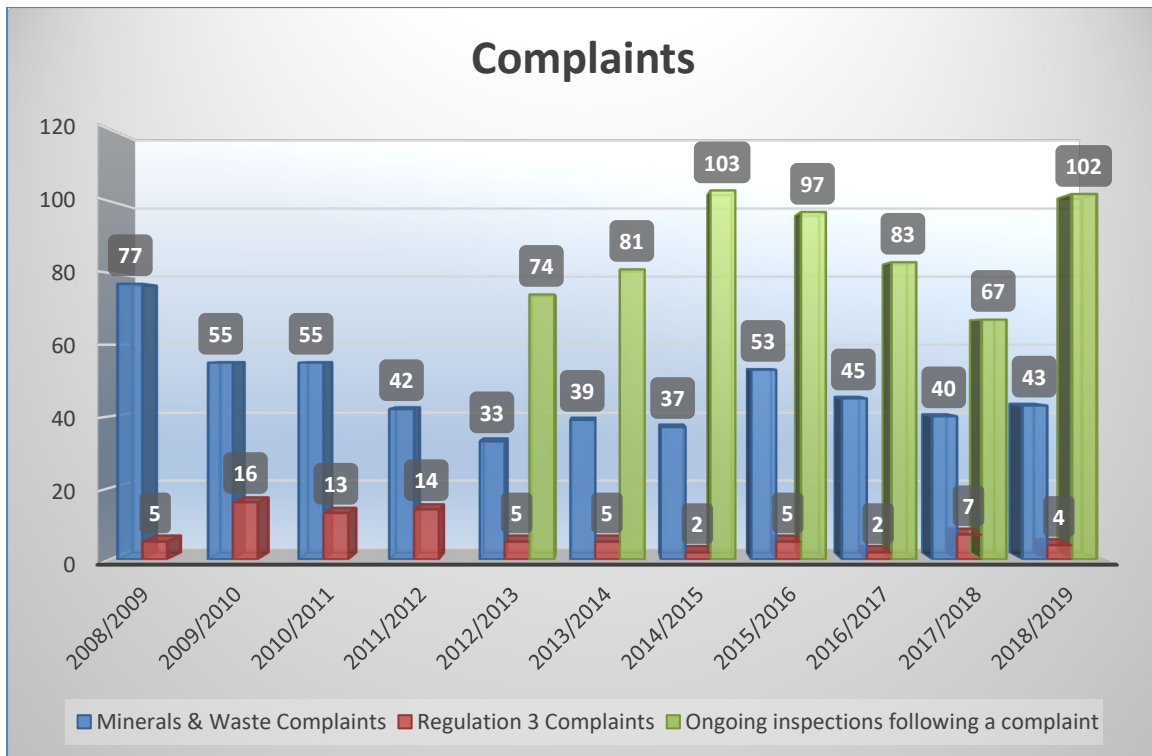
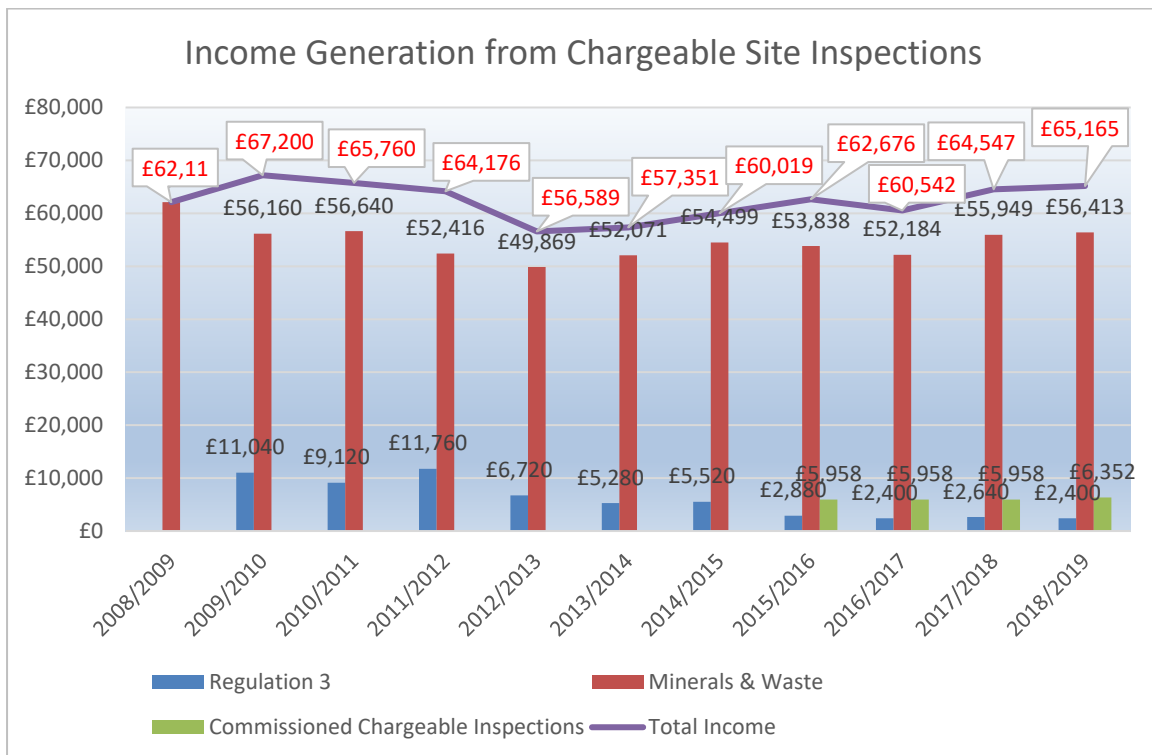


Figure 1. Site inspections

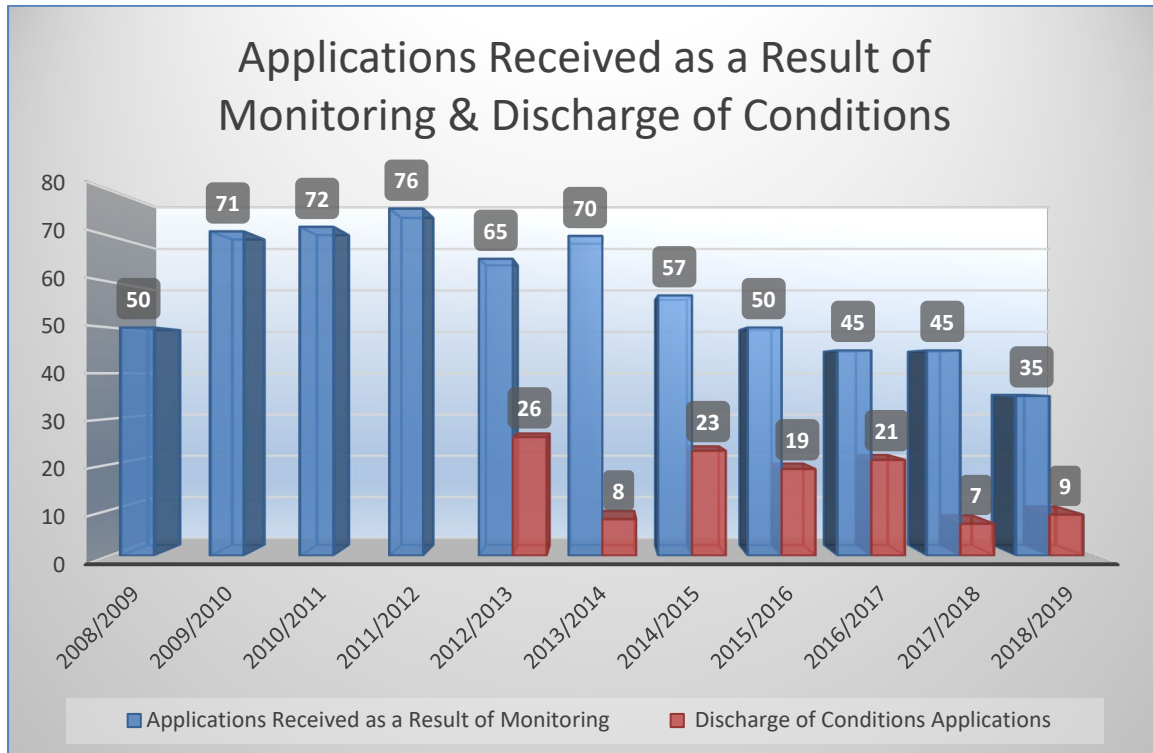


**Figure 2. Complaints received**



**Figure 3. Income generated from chargeable site inspections**

Regular site inspections and associated follow up actions are having an influence on the way in which the industry adheres to conditions and seeks to regularise breaches quickly. It has also generated more planning applications, with 35 of the total 103 applications received and 9 discharge of condition applications out of a total of 34 received (see figure 4).



**Figure 4. Applications received as a result of monitoring and discharge of conditions applications**

## 6.4 Monitoring of Non-hazardous Landfill Sites

The inspection programme together with the use of more modern survey equipment has helped identify more quickly those landfill sites that have been tipped above agreed contours.

Capping of Aldeby has been completed and restoration using imported soils is ongoing. A local liaison group will continue to meet until the restoration works are substantially complete. A further survey would be required to check that the site has been filled and restored to the agreed level. The NORSE Group have now completed the filling for the landfill site at Edgefield and the site now continues in the 5-year statutory care and maintenance period (aftercare). The remaining 'closed' landfills at Costessey, Snetterton, Mayton Wood, Beetley, Docking and Blackborough End (phase 1) are the responsibility of the Community and Environmental Services Department of Norfolk County Council.

## 6.5 Targets

Complaints are initially assessed for impact on the environment and are prioritised accordingly. The performance target of dealing with complaints of high priority is to acknowledge and initiate action within three working days. Priority is given to dealing with complaints quickly. In this respect 100% of high priority complaints currently

received are actioned within three working days. Complainants and other relevant consultees, such as the Environment Agency, District and Parish Councils are kept informed of progress and action.

Additionally, there is an increasing awareness by the general public about mineral and waste development and a higher expectation about the way in which sites operate. However, the proactive presence on site, together with regular inspections as part of a programme is continuing to forestall complaints to either maintain or reduce previous levels of complaint. This is further evidenced in figures 1 and 2.

It is acknowledged that fewer complaints, particularly in relation to minerals and waste sites allow for more resources for pro-active site monitoring. The monitoring team can now quantify matters that have been raised as a result of pro-active monitoring and this will continue in future updates (see figure 1).

Since the inception of the new fees regime, the Council has maintained sufficient staff resources, to ensure that previous high levels of pro-active monitoring and all agreed chargeable visits are carried out. The fee income recovered to date contributes significantly to funding this resource. However, over the last three years the monitoring regime has sought to target those sites where there is a greater risk to the environment. The targeting of sites will help to maintain a regular but reduced site inspection regime.

## 6.6 Liaison Arrangements

Local Liaison arrangements are a valuable method of keeping local communities informed about mineral and waste development of a local nature and dealing with problems quickly and effectively before they get out of hand.

The number of sites that are serviced by liaison meetings are shown below (see figure 5). These currently number 8 and include, Leziate, Coxford, Aldeby Landfill, Tottenhill, Mangreen, Stody, Kettingham and Stanninghall. Liaison meetings are also held on a regular basis with other authorities including the Environment Agency.

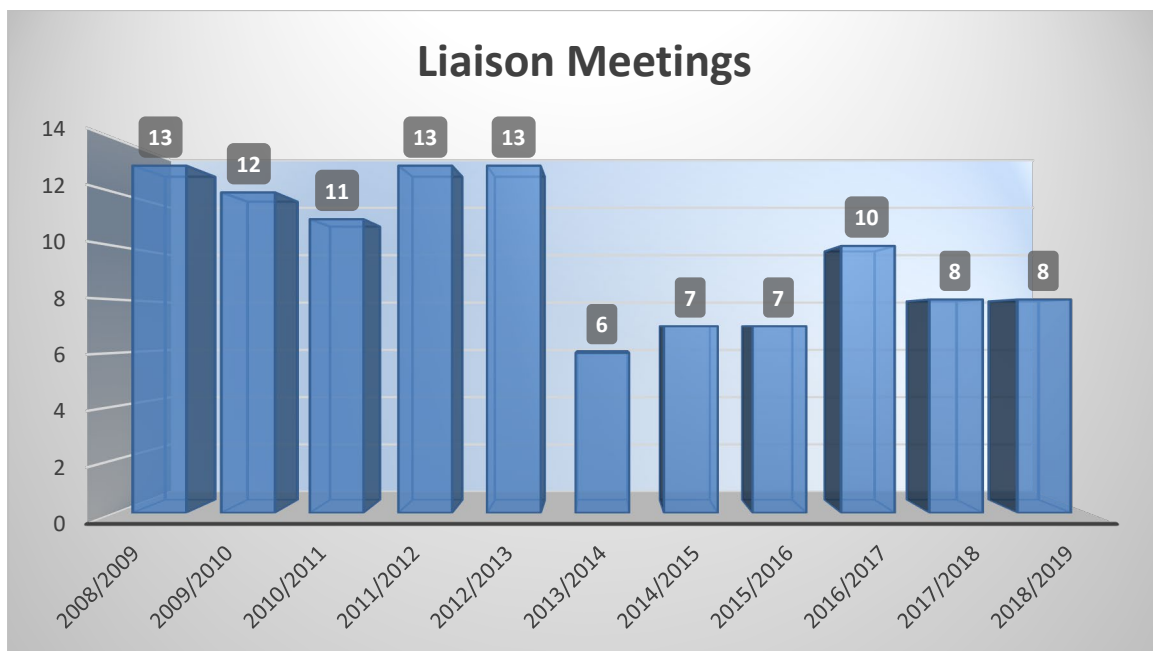


Figure 5. Number of liaison meetings attended

## 6.7 Enforcement

The County Council has continued to monitor mineral and waste development and regulation 3 development to secure compliance with planning conditions and Legal Agreements. Enforcement action may be taken, if necessary to deal with unauthorised activities, but subject to prior negotiation.

Additionally, when we receive complaints, as represented in figure 2, we often consult with the District Council and Environment Agency and co-operate with them in deciding any action. If necessary, we may take enforcement action to control and possibly stop unauthorised development.

It is acknowledged that a cost may be involved when operators seek to raise environmental standards. Good environmental practice can also save money. However, where companies do not comply with existing conditions, enforcement action can result. Low levels of performance can also undermine competing operators who are complying with their planning permission.

Four temporary stop notices, one Breach of Condition Notice and eleven Planning Contravention Notices were served in 2018/2019 (see figure 6).

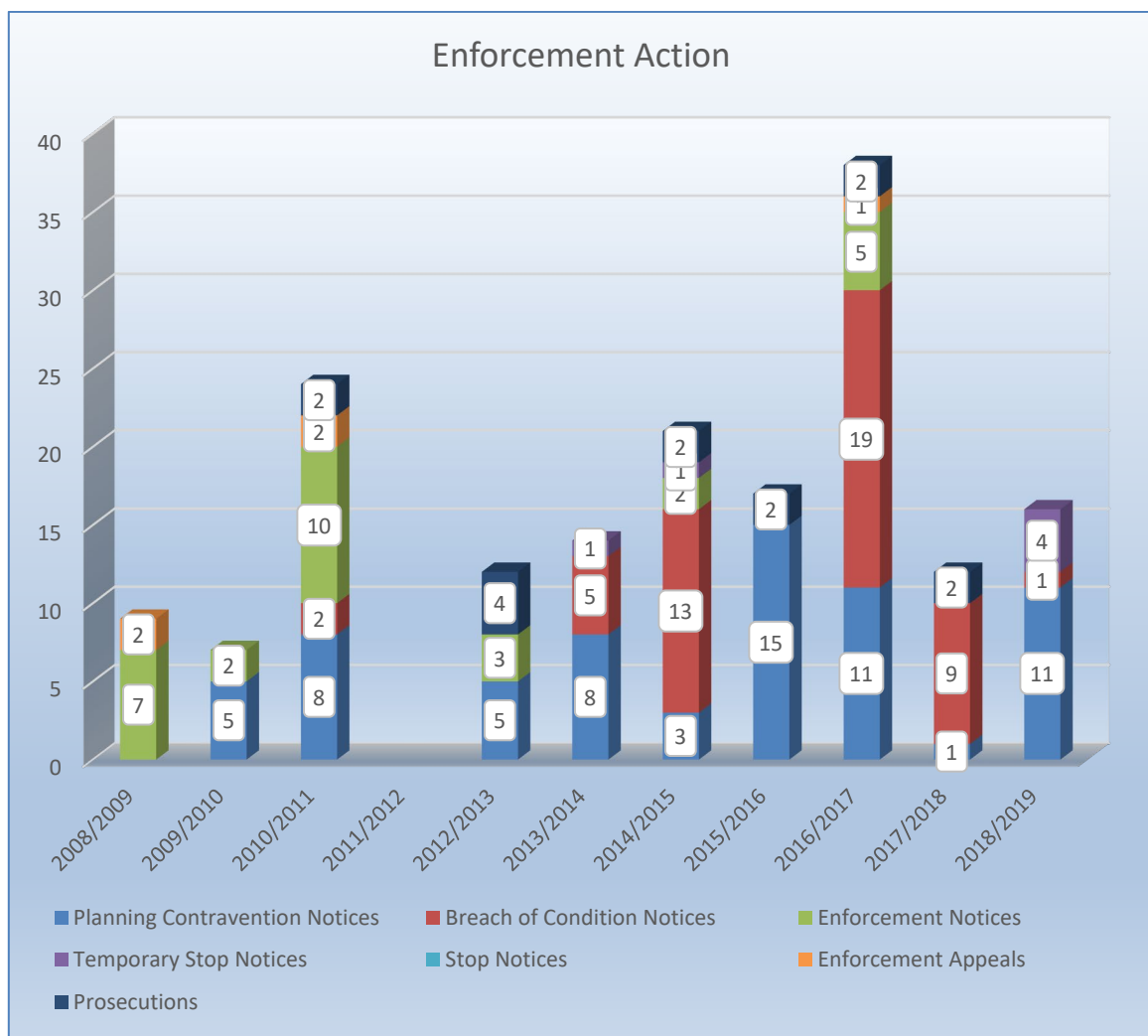


Figure 6. Enforcement action

There were two ongoing prosecutions under the Proceeds of Crime Act 2002 relating to a site at Strayground Lane, Wymondham and at Manor Farm, North Runcton which have now been resolved.

#### Strayground Lane, Wymondham

In April 2012 Mark Broadbelt, Louise Chubb and Wymondham Quarry Ltd pleaded guilty at Norwich Magistrates Court to failing to comply with an Enforcement Notice served by Norfolk County Council. The Enforcement Notice related to unauthorised recycling activities taking place at the quarry in Strayground Lane, Wymondham. Using powers under the Proceeds of Crime Act 2002, the council then sought to recover money made by the defendants from the illegal activities.

On the 6 August 2018 at Norwich Crown Court a financial agreement was reached by the Council pursuant to the Proceeds of Crime investigation and Louise Chubb and Mark Broadbelt were each given a 12 month conditional discharge.

Wymondham Quarry Ltd has now been dissolved. The agreed financial settlement has now been paid to the County Council and this positive outcome should send a clear message to others that funds that have been obtained as a result of criminal activity are subject to recovery, where possible, by the courts following a successful prosecution.

#### Manor Farm, North Runcton

On 17 March 2016 waste operator Mark Edward Fuller was sentenced to 15 months imprisonment for running an illegal waste site in North Runcton.

On 18 January 2017 Mark Fuller was released from prison. On 21 January 2017 the large stockpile of timber on the southern part of the site caught fire. The fire was multi-seated and the cause of the fire is being investigated by the Police, Fire and Rescue Service and the Environment Agency. The fire is now extinguished.

At a hearing at King's Lynn Crown Court on 24 November 2017 two documents were signed comprising of Agreed Directions signed by His Honour Judge Radford and an Undertaking signed by Norfolk County Council and Mark Fuller.

Mark Fuller agreed a benefit figure of £233,445 and not to interfere with agents and employees of the council having access to the site for the purposes of carrying out a survey and valuation of the material on the site. If the council wished to recover treat or otherwise deal with material on the site Mr Fuller would enter a binding agreement to disclaim all rights that he had over the material.

Stockpiles of material on the site had a value and contractors were invited to tender for clearance of the site. The provision of information was advertised in the Official Journal of the European Union (OJEU) and emails were sent to 27 contractors who the council believed may be able to undertake the work. Four contractors inspected the site accompanied by council officers. The site is classed as hostile. One contractor put in an unrealistic estimate for site clearance and the other contractors declined to tender for the work sighting concerns relating to safety of plant and personnel.

On 17 August 2018 at Norwich Crown Court Mark Fuller agreed a benefit figure of £233,445. His Honour Judge Bate agreed a confiscation order of £1 and thanked the officers for their 'utmost diligence' in dealing with this case.

## 6.8 Aftercare Programme

The aftercare programme operated by the Council is a vital part of ensuring that mineral and waste sites are restored properly and managed to ensure beneficial and productive after-use. Aftercare inspections and meetings, largely concerning agricultural restorations, form a significant proportion of monitoring activity, particularly during the March/May period.

Management meetings are often associated with legal agreements, where restoration is required beyond the statutory 5 years. Sites that are subject to ongoing site management currently number 12, but it is expected that this number will increase as biodiversity initiatives and general nature conservation replace agriculture on some sites. Management meetings normally take place during spring and summer each year. A number of sites are coming to the end of the aftercare period in the next financial year.

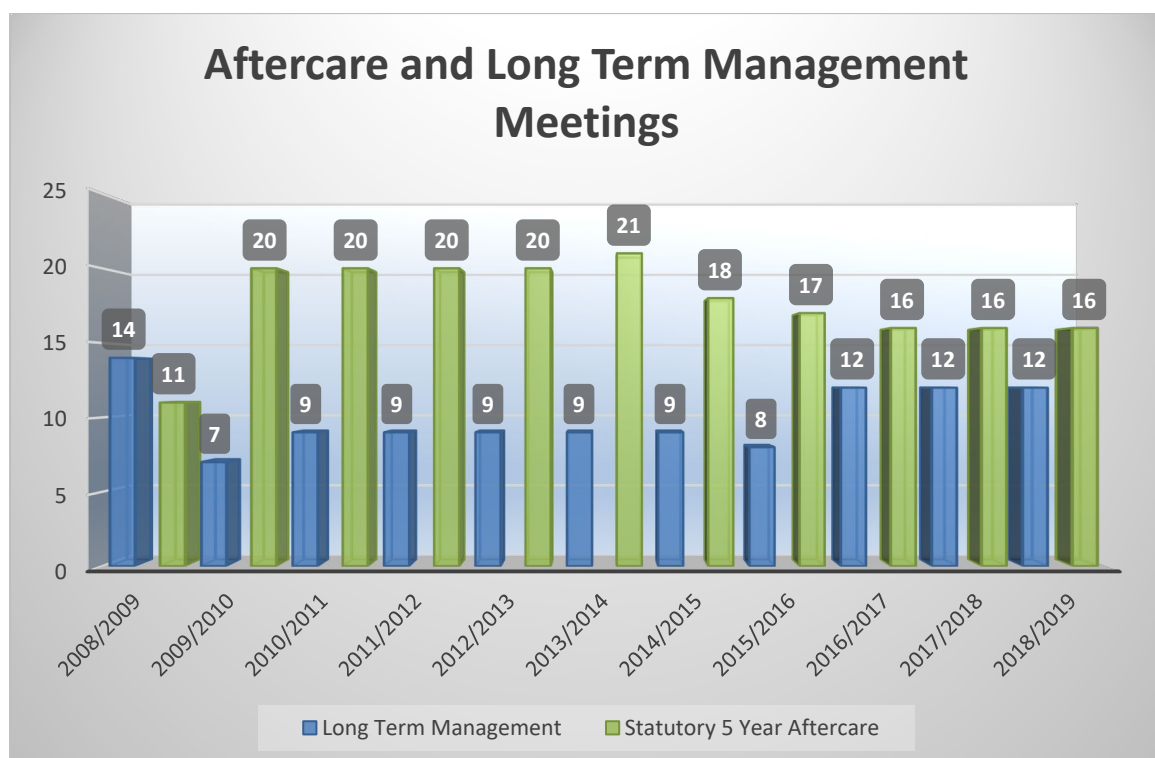


Figure 8. Aftercare and long-term management meetings