

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

### **Monitoring Report 2016-2017**

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

November 2017

# Norfolk County Council

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# 1. Introduction

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 2016 to 31 March 2017.

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.

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.

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.

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.

The Monitoring Report contains the following main sections covering the period April 2016 to March 2017:

- 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)

The MWDS (updated on 24 March 2017) sets out the timetable for producing the minerals and waste planning policy documents which form Norfolk's Minerals and Waste Local Plan.

The Minerals Site Specific Allocations Development Plan Document was adopted by Norfolk County Council in October 2013. Norfolk County Council has agreed to an early review of the Minerals Site Specific Allocations DPD in recognition of an under allocation of silica sand extraction sites. The timetable for the Silica Sand Single Issue Review is contained in the MWDS and in Table 1 below.

<b>Table 1: MWDS timetable for the Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review to be produced compared with actual date produced/to be produced</b>		
<b>Stage</b>	<b>Date timetabled in the Development Scheme</b>	<b>Actual date produced/ anticipated production date</b>
<b>Preparation of Local Plan Consultation (Regulation 18)</b>	Initial Consultation: March to April 2015 Preferred Options Consultation: November to December 2015	Initial Consultation: March to April 2015 Preferred Options Consultation: November to December 2015
<b>Pre-Submission representations period (Regulation 19)</b>	May to June 2016  September to October 2016 (Modifications)	May to June 2016  September to October 2016 (Modifications)
<b>Submission (Regulation 22)</b>	December 2016	December 2016
<b>Hearing commencement (Regulation 24)</b>	March 2017	March 2017
<b>Inspector's Report</b>	August 2017	October 2017
<b>Adoption (Regulation 26)</b>	October 2017	December 2017

A revised scheme for the Single Issue Silica Sand Review was adopted in March 2017 due to differences between the dates in the scheme adopted in June 2016 and the production dates for the stages from Regulation 22 to Regulation 26.

The submission of the Silica Sand Review was delayed because, following the Pre-Submission representations period in May and June 2016, it was decided to make modifications to the Pre-Submission document. The regulations require a formal six week representations period to take place on main modifications to the Pre-Submission document. The Scheme adopted in June 2016 did not include a representations period on modifications to the Pre-Submission document because the decision to make modifications was not expected when the Scheme was adopted. The consequence of the representations period on the modifications was to delay the submission of the Silica Sand Review until early December 2016, which had a knock-on effect on the date of the examination hearings, the Inspector's report and adoption of the Silica Sand Review.

Following the examination hearings in March 2017, the Inspector wrote to Norfolk County Council in and in 2017 requesting Main Modifications to be made to the Silica Sand Review. The statutory six week period on the modifications took place from 17 July to 1 September 2017. The Inspector's report was received in October 2017 and the Silica Sand Review is planned to be adopted at the following full Council meeting in December 2017.

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 will be 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 Review of the Minerals and Waste Local plan is contained in the MWDS and in Table 2 below:

<b>Table 2: MWDS timetable for the Review of 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 Development Scheme</b>	<b>Actual date produced/ anticipated production date</b>
<b>Preparation of Local Plan Consultation (Regulation 18 Stage)</b>	Initial Consultation: June to August 2017	Initial Consultation: April to May 2018
	Preferred Options Consultation: February to March 2018	Preferred Options Consultation: November to December 2018
<b>Pre-Submission representations period (Regulation 19 Stage)</b>	November to December 2018	June to July 2019
<b>Submission (Regulation 22)</b>	March 2019	October 2019
<b>Hearing commencement (Regulation 24)</b>	May 2019	January 2020
<b>Inspector's report</b>	August 2019	June 2020
<b>Adoption (Regulation 26)</b>	October 2019	October 2020

Due to the work required on the modifications to the Pre-Submission version of the Silica Sand Review and the modifications required following the examination hearings for the Silica Sand Review, the timetable for the work on the Minerals and Waste Local Plan Review has slipped.

A 'call for mineral extraction sites' took place in July 2017 and the sites that were proposed are currently being assessed. The first public consultation stage on the Minerals and Waste Local Plan Review is now planned to take place in Spring 2018. This will have a knock-on effect on all the other stages of the Local Plan Review. A revised timetable is shown in Table 2 above. Due to the differences between the adopted Scheme and the expected production dates of the Local Plan Review, a revised Local Development Scheme will need to be prepared.

## 2.2 Consultation Participation and Response

### Minerals Site Specific Allocations DPD - Single Issue Silica Sand Review

In this reporting period (April 2016 to March 2017) a Pre-Submission representations period took place on the Single Issue Silica Sand Review (for six weeks from 16 May to 27 June 2016) (Regulation 19 stage).

Responses were received from the following Local Planning Authorities: Borough Council of King's Lynn and West Norfolk, North Norfolk District Council, the Broads Authority. Responses were received from the following Mineral Planning Authorities: South Downs National Park Authority, Central Bedfordshire Council, Suffolk County Council. Responses were also received from seven parish councils.

The table below summarises the number of responses received to the Pre-Submission representations period. The contents of the responses were recorded in the Pre-Submission Feedback Report, which was published in August 2016.

The majority of respondents to the Silica Sand Review were individuals objecting to AOS A. Of the 953 representations received objecting to AOS A, 349 of these representations were standard letters and a further 420 were reasons given for signing an online petition about the Silica Sand Review. A petition, objecting to AOS A, was also received with 2,572 signatures.

One respondent (Natural England) commented on the Sustainability Appraisal Report and one respondent (Natural England) commented on the Habitats Regulations Assessment (Task 1).

### Representations received to Silica Sand Review Pre-Submission representations period 2016

Section	Respondents	Objectors	Reps Supporting	Reps Objecting	Reps Commenting	Total Reps
Modification to para 2.7	2	2	0	2	0	2
New paragraphs after 3.5	3	2	0	2	1	3
Modification to para 3.18	1	0	0	0	1	1
Modification to para 40.1	1	0	0	0	1	1
Whole document	13	4	1	4	8	13
Policy SIL01	3	0	1	0	2	3
AOS A	878	876	0	953	2	955
AOS D	3	2	0	2	2	4
AOS E	4	0	1	0	4	5
AOS F	2	0	0	0	2	2
AOS I	2	1	0	1	1	2
AOS J	2	1	0	1	1	2
Areas of Search Policy	6	3	0	4	5	9
Glossary	1	0	0	0	1	1
<b>Total</b>	<b>900</b>	<b>887</b>	<b>3</b>	<b>976</b>	<b>34</b>	<b>1010</b>

In this reporting period (April 2016 to March 2017) a 'Pre-Submission Addendum: Modifications' representations period took place on the Single Issue Silica Sand Review (for six weeks from 14 September to 27 October 2016) (Regulation 19 stage).

Responses were received from the following Local Planning Authorities: Borough Council of King's Lynn and West Norfolk, Norwich City Council.

Responses were received from the following Mineral Planning Authorities: Peterborough City Council, Kent County Council. Responses were also received from four parish councils.

The table below summarises the number of responses received to the Silica Sand Review 'Pre-Submission Addendum: Modifications' representations period. The contents of the responses were recorded separately in the Pre-Submission Addendum: Modifications Feedback Report, which was published in November 2016.

One respondent (Natural England) commented on the Sustainability Appraisal Report and one respondent (Natural England) commented on the Habitats Regulations Assessment (Task 1).

**Representations received to Silica Sand Review Pre-Submission Addendum: Modifications representations period 2016**

<b>Section</b>	<b>Respondents</b>	<b>Objectors</b>	<b>Reps in Support</b>	<b>Reps Objecting</b>	<b>Reps Commenting</b>	<b>Total Reps</b>
Actions to be taken	1	1	0	1	0	1
Modifications to the Silica Sand Review	8	0	1	0	7	8
AOS A	3	2	1	2	0	3
AOS D	50	45	2	46	3	51
Specific site SIL01 Policy	4	2	2	2	0	4
Habitats Regulations Assessment	1	0	0	0	1	1
Sustainability Appraisal Report – Part B	1	0	0	0	1	1
<b>Total</b>	<b>57</b>	<b>46</b>	<b>8</b>	<b>51</b>	<b>12</b>	<b>71</b>



## 2.3 Duty to Co-operate

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 2015/16 are therefore provided below.

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 2016/17 a six week representations period took place on the Pre-Submission version of the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD. A six week representations period also took place on the 'Pre-Submission Addendum: Modifications' to the Single Issue Silica Sand Review. The council has also responded to consultations and directly engaged on minerals and waste plans prepared by neighbouring authorities.

### Waste

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).

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

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).

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

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. The purpose of the group's meetings is to share information and good practice, and to liaise over

the production of local plans. In addition to this group, meetings are held between the County Council and individual Districts to discuss strategic planning issues including minerals and waste, and to liaise over the planning and provision of services by the County Council.

In addition, a quarterly **Norfolk Strategic Planning Member Forum** has been meeting since October 2013. The purpose of the forum is for members to discuss the strategic issues that are planning related and affect all or the majority of local planning authorities and others affected by the Localism Act's 'Duty to Cooperate'. The forum membership includes the portfolio holders for Strategic Planning 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 will discuss the implications of these issues for plan-making, or other activities that contribute towards plan-making under the duty (such as evidence base studies) and work to achieve a common understanding or approach to that issue. The Forum meets on a quarterly cycle, with additional meetings to discuss single issues arranged on an ad-hoc basis. It is chaired by a councillor elected by the forum on an annual basis.

The terms of reference of the Norfolk Strategic Planning Member Forum (as agreed in October 2016) 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.

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

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 2016/17 financial year**

During the 2016/17 financial year a six week representations period on the Pre-Submission version of the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD took place, as detailed in section 2.2 of this report. A six-week representations period on the Pre-Submission Addendum: Modifications to the Single Issue Silica Sand Review also took place, as detailed in section 2.2 of this report.

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

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 2016-2017

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

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.

There were 58 planning applications for minerals and waste development determined between 1 April 2016 and 31 March 2017. All except two 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	11	0
CS2	Locations for Mineral Extraction	9	0
CS3	Waste Management Capacity	14	0
CS4	New Waste Management Capacity	3	0
CS5	Location of Waste Management Facilities	18	0
CS6	Waste Management Considerations	32	2
CS7	Recycling, Composting, Anaerobic Digestion and Waste Transfer Stations	22	0
CS8	Residual Waste Treatment	0	0
CS9	Inert Waste Landfill	0	0
CS10	Non-Hazardous and Hazardous Waste Landfill	0	0
CS11	Waste Water and Sewage Facilities	13	0
CS12	Whitlingham Waste Water Treatment Works	1	0
CS13	Climate Change and Renewable Energy	19	0
CS14	Environmental Protection	56	2
CS15	Transport	56	0
CS16	Safeguarding Sites	5	0
CS17	Secondary and Recycled Aggregates	5	0
DM1	Nature Conservation	49	0
DM2	Core River Valleys	4	0

Policy Number	Policy Description	Number of Times Used	
		Approval	Refusal
DM3	Groundwater and Surface Water	45	0
DM4	Flood Risk	43	0
DM5	Borrow Pits and Water Reservoirs	0	0
DM6	Household Waste Recycling Centres	0	0
DM7	Safeguarding Aerodromes	3	0
DM8	Design Local Landscape and Townscape Character	55	1
DM9	Archaeological Sites	10	0
DM10	Transport	58	0
DM11	Sustainable Development	12	0
DM12	Amenity	57	2
DM13	Air Quality	22	0
DM14	Progressive Working, Restoration and Afteruse	20	0
DM15	Cumulative Impacts	12	0
DM16	Soils	12	0

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**

No new planning permissions were granted for waste site specific allocations in 2016/17.

#### **Minerals Site Specific Allocations DPD**

No new planning permissions were granted for mineral site specific allocations in 2016/17.

### 3.2 Refused Applications

Two planning applications were refused approval due to non-compliance with policy in the period between 1 April 2016 and 31 March 2017.

Location/ Planning App. Ref.	Proposal	Policies used in grounds for refusal	
Stanfield Quarry, Stanfield, Dereham, NR20 4JJ  C/3/2016/3018	Variation of condition 1 of planning permission C/3/2010/3038 to extend the time limit for working and restoration of crushing and stockpiling area associated with recycling area until 28 November 2017.	CS6  CS14 DM8 DM12	General waste management considerations  Environmental Protection Design, local landscape and townscape character Amenity
Heron Farm, Bunwell Road, Besthorpe, NR17 2LN  C/3/2015/3016	Retrospective application for the recovery of aggregates and soils from imported inert materials linked to the adjacent Newall Civil Engineering business	CS6  CS14 DM12	General waste management Considerations Environmental Protection Amenity

C/3/2016/3018 - EAS Plant Hire Ltd, Stanfield Quarry, Stanfield, Dereham, NR20 4JJ. Variation of condition 1 of planning permission C/3/2010/3038 to extend the time limit for working and restoration of crushing and stockpiling area associated with recycling area until 28 November 2017.

The reasons for refusal as listed on the decision notice are as follows:

1. Perimeter bunding required for noise, dust and visual amenity has partially been removed. No details have been submitted with the application to demonstrate how the crushing and stockpiling activities can continue for a further 12 months whilst restoration is taking place and the bunds removed, without having an unacceptable impact on the landscape or residential amenity. The proposal is therefore contrary to the requirements of Policies CS14, DM8, and DM12 of the Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD 2010-2026 and Policies CP11 and DC1 of the Breckland Core Strategy and Development Control Policies DPD 2001-2026.
2. The site is situated in an unsustainable location, quarrying activities have now ceased and the site has moved into the final stages of restoration. It is considered that the continuation of the crushing and stockpiling activities for a further 12 months until 28 November 2017, would not be in accordance with the requirements of Policy CS6 which requires such development to be undertaken on existing mineral workings and DM14 of the Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD 2010-2026, and Policy DC16 of the Breckland Core Strategy and Development Control Policies DPD 2001–2026.

C/3/2015/3016 - Mr B Allison, Heron Farm, Bunwell Road, Besthorpe, NR17 2LN. Retrospective application for the recovery of aggregates and soils from imported inert materials linked to the adjacent Newall Civil Engineering business

The reasons for refusal as listed on the decision notice are as follows:

1. The application proposes waste development at a greenfield site in the open countryside and on land that has not been allocated in the County Council's Waste Site Allocations DPD 2013. The proposed site is therefore contrary to Norfolk Minerals and Waste Development Framework Core Strategy Policy CS6: *General waste management considerations*.
  
2. Norfolk Minerals and Waste Development Framework Core Strategy Policy DM12: *Amenity* states that development will only be permitted where the scale, siting and design of a proposal is appropriate and that unacceptable impacts to local amenity will not arise from operation of the facility. Norfolk Minerals and Waste Development Framework Core Strategy Policy CS14: *Environmental Protection* states that development must ensure there are no unacceptable adverse impacts to residential amenity. In this instance, the siting of the application in the open countryside near to residential property is considered unacceptable and the proposal, which is retrospective in nature, has not been able to demonstrate that unacceptable impact to local amenity has not / will not occur, and is therefore contrary to these policies.

The proposal is therefore a departure from the Development Plan, however, the material considerations in favour of the application are not considered strong enough to outweigh the harm that would be caused by permitting the proposal including the adverse impact to the amenity of neighbouring properties.

### 3.3 Appeals

One appeal was determined in the period between 1 April 2016 and 31 March 2017.

Location / Planning Application Reference	Proposal
Heron Farm, Bunwell Road, Besthorpe, NR17 2LN  C/3/2015/3016	Retrospective application for the recovery of aggregates and soils from imported inert materials linked to the adjacent Newall Civil Engineering business

The appeal was made against the refusal of the planning application. The Minerals and Waste Core Strategy and Development Management DPD policy reasons given for the refusal were as follows:

CS6 – General Waste Management Considerations

CS14 – Environmental Protection

DM12 - Amenity

The Planning Inspector dismissed the appeal on 7 February 2017.

### 3.4 Applications Approved Contrary to Policy

No planning applications were granted approval contrary to policy in the period between 1 April 2016 and 31 March 2017.

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

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 2016.

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	Performance against these indicators will be reported in the Local Aggregate Assessment and Silica Sand Assessment
		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)	
	CS16	Number of non-minerals and waste planning applications	Since the adoption of the Core Strategy: No major applications



Objective	Relevant policies	Indicator	Performance
		<p>granted by LPAs within safeguarded areas (unless they fall within the exclusions set out in Appendix C)</p> <hr/> <p>Proposed additional indicator of: Number of Neighbourhood Plans containing policies relating to mineral safeguarding.</p>	<p>approved on Mineral Safeguarding Areas in the face of sustained objections on mineral safeguarding grounds. Twelve relevant planning permissions granted for housing contained conditions to require mineral assessment and prior extraction and reuse, there are also three applications to be determined where such a condition has been agreed. Seven applications were refused for other reasons, although a mineral safeguarding condition had been agreed.</p> <p>Three Neighbourhood Plans in force in Norfolk by the end of 2014 – Cringleford, Strumpshaw and Sprowston. All three NPs have addressed mineral safeguarding, and contain policies where appropriate.</p> <p>Five additional neighbourhood plans were in force in Norfolk by the end of 2015 – Acle, Great and Little Plumstead, Mulbarton, Brancaster, South Wootton. NCC considered that the NP for South Wootton 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. All other NPs have addressed mineral safeguarding, and contain policies where appropriate.</p> <p>Four additional Neighbourhood plans were in force in Norfolk by the end of 2016 – Brundall, Old Catton, Drayton, Blofield.</p>

Objective	Relevant policies	Indicator	Performance
			As none of these NPs allocate sites, they do not need to contain any policies regarding mineral safeguarding.
	CS17	Number of district council LDFs containing a policy in accordance with CS17: use of secondary and recycled aggregates.	<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. These policies are considered to be in accordance with CS17.</p> <p>King's Lynn and West Norfolk DM Policies and Site</p>

Objective	Relevant policies	Indicator	Performance
			<p>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> <hr/> <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> <hr/> <p>% of waste received at waste management facilities in Norfolk that is recycled/recovered</p> <hr/> <p>Renewable energy generation capacity at waste management facilities (MW)</p> <hr/> <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> <hr/> <p>Waste input to non-hazardous landfill (tonnes)</p> <hr/> <p>Waste input to hazardous landfill (tonnes)</p> <hr/> <p>Waste input to inert landfill (tonnes)</p>	<p>Performance against these indicators will be reported in the Waste Data Monitoring Report</p>

Objective	Relevant policies	Indicator	Performance
		Inert, non-hazardous and hazardous landfill capacity (cubic metres and years)	
		Quantity of London waste disposed of in Norfolk (tonnes)	
Ensure mineral extraction and associated development and waste management facilities takes place as close as reasonably possible to where these resources are used, and then waste is treated as close as reasonably possible to where it is generated	CS2 CS5 CS9 CS10	Location of allocation sites and distance from main settlements and market towns	<p>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.</p> <p>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.</p>
		<p>Distance of mineral extraction and associated development and waste management facilities from main settlements and market towns for which planning permission has been granted</p> <p>[This indicator has been monitored for planning permissions granted for new sites, not for changes to existing sites]</p>	<p>No new mineral extraction sites permitted in 2016/17.</p> <p>Waste applications 2016/17 – Four new waste management facilities. All are located in accordance with Policy CS5.</p>
Increase the use and availability of sustainable transport in accessing waste and/or minerals facilities	CS15 DM10	<p>Number of minerals and waste planning applications approved to utilise transport methods via road, rail or water</p> <p>[This indicator has been monitored for planning permissions granted for new sites, not for changes to</p>	<p>No new mineral extraction sites permitted in 2016/17.</p> <p>Waste applications 2016/17 – Four new waste management facilities; all use road transport.</p>

Objective	Relevant policies	Indicator	Performance
		existing sites]	
Mitigate the adverse traffic impacts of mineral extraction and associated development and waste management facilities	CS15 DM10	<p>Number of reported accidents involving HGVs</p> <p>[This indicator is monitored in relation to all accidents in Norfolk]</p>	<p>2016/17 – 23 HGV accidents of which 1 was fatal and 6 were serious.</p> <p>Goods vehicles where the class has not been noted: 206 accidents of which 9 were fatal and 37 serious. As the class of goods vehicle has not been noted, these figures may include accidents involving HGVs.</p>
		<p>Number of minerals or waste planning applications granted that involve highway infrastructure upgrades/improvements</p> <p>Number of mineral or waste planning applications granted that include direct access to corridors of movement</p> <p>[Trunk roads, such as the A11/A47/A10 and A class roads are designated as corridors of movement]</p> <p>[The original indicator has been split into two to improve the clarity of what is being reported]</p>	<p>No new mineral extraction sites permitted in 2016/17.</p> <p>Waste 2016/17 – 4 new waste management facilities. One includes direct access to corridors of movement, via an existing quarry access (A149 near Snettisham). One required highway infrastructure improvements in the form of improved visibility splay and additional road signs.</p>
		Number of substantiated complaints concerning lorry traffic	2016/17 – 0 complaints
Minimise the impact of mineral extraction and associated development and	DM1 CS14	Number of minerals and waste sites within 5km of a Special Area of Conservation (SAC)	<p>33 safeguarded mineral sites</p> <p>43 safeguarded waste sites</p> <p>33 safeguarded WWTWs</p>

Objective	Relevant policies	Indicator	Performance
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	DM2 DM8	Number of minerals and waste sites within 5km of a Special Protection Area (SPA)	14 safeguarded mineral sites 28 safeguarded waste sites 21 WWTWs
		Number of minerals and waste sites within 5km of a Ramsar site	13 safeguarded mineral sites 20 safeguarded waste sites 17 WWTWs
		Number of minerals and waste sites within 2km of a Site of Special Scientific Interest (SSSI)	40 safeguarded mineral sites 46 safeguarded waste sites 28 WWTWs
		Number of minerals and waste sites within 2km of a National Nature Reserve (NNR)	0 safeguarded mineral sites 4 safeguarded waste site 8 WWTWs
		Number of minerals and waste sites adjacent to a Local nature Reserve	0 safeguarded mineral sites 1 safeguarded waste site 2 WWTWs
		Number of minerals and waste sites adjacent to a County Wildlife Site	23 safeguarded mineral sites 9 safeguarded waste sites 22 WWTWs
		Number of minerals and waste sites adjacent to a RIGS	1 safeguarded mineral site 0 safeguarded waste sites 0 WWTWs
		Number of minerals and waste sites within the Area of Outstanding Natural Beauty (AONB)	2 safeguarded mineral sites 3 safeguarded waste sites 6 WWTWs
		Number of minerals and waste sites within the Heritage Coast	Nil
		Number of minerals and waste sites within the Broads Authority Executive Area	1 safeguarded mineral site 2 safeguarded waste site 4 WWTWs
		Number of minerals and waste sites within a Core River Valley	9 safeguarded mineral sites 7 safeguarded waste sites 12 WWTWs
		Number of minerals and waste planning applications refused on grounds of design or landscape	One application was refused on these grounds in 2016/17 (see section 3.2 of this report)

Objective	Relevant policies	Indicator	Performance
		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
		Number of minerals and waste sites within or adjacent to Conservation Areas	6 safeguarded mineral sites 7 safeguarded waste sites 11 WWTWs
		Number of minerals and waste sites adjacent to listed buildings	15 safeguarded mineral sites 3 safeguarded waste sites 22 WWTWs
	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 2016/17.
	DM14	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.]	No new mineral extraction sites permitted in 2016/17.  Waste 2016/17 – four new waste management facilities. No BAP habitat will be lost.
	DM14	% of mineral workings covered by progressive restoration schemes	No new mineral extraction sites permitted in 2016/17.
	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	No new mineral extraction sites permitted in 2016/17.  Waste 2016/17 – Four new waste management facilities. Policy DM11 was not considered to be applicable to the new waste management

Objective	Relevant policies	Indicator	Performance
		applications]	facilities permitted.
Minimise soil and water contamination and flood risk arising from minerals and waste activities	CS14	Number of minerals and waste sites within groundwater Source Protection Zone 1	3 safeguarded mineral sites
	DM3		5 safeguarded waste sites
	DM4		1 WWTW
	CS13	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 2016/17 policy DM3 was listed in the reasons for approval 45 times.
		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.
Reduce methane and CO2 emissions from mineral extraction and associated development and waste management facilities  Contribute to the renewables obligation and targets for renewable energy by increasing the proportion of energy recovery from waste	CS13	% of methane emissions from landfill sites escaping into the atmosphere	Performance against these indicators will be reported in the Waste Data Monitoring Report
	CS8		
	DM11	% of methane emissions from landfill sites used in power generation	
		Renewable energy generation capacity at waste management facilities	
		Quantity of waste management through processes generating renewable energy	
		Number of minerals and waste operations securing at least 10% of their energy on site from renewable or low-carbon sources	No new mineral extraction sites permitted in 2016/17.  Waste 2016/17 – Four new waste management facilities. None proposed the production of any renewable energy.
Ensure that minerals and waste facilities and transportation do not lead to AQMAs and that emissions are reduced	CS15	Number of minerals and waste management sites within an AQMA	None
	DM13		
		Number of AQMAs within Norfolk  [Indicator to be amended to report the <b>area</b> of AQMAs within Norfolk because three	Three – one in Norwich and two in King's Lynn which have all been declared for exceeding limits of nitrogen dioxide from traffic sources.



Objective	Relevant policies	Indicator	Performance
		separate AQMAs in Norwich have now been replaced by one larger central Norwich AQMA.]	The total area of all AQMAs in Norfolk is 282.3 hectares, the largest of which covers 274.6 hectares of Norwich City centre.
Mitigate adverse impacts on amenity resulting from mineral extraction and associated development and waste management facilities	CS14 DM12 DM10	Number of substantiated complaints about amenity impacts from minerals and waste activities	2016/17 – 15 complaints
	CS15 DM8 DM15 CS7 CS12 CS11 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 15 non-minerals and waste planning applications on Mineral Safeguarding Areas in 2016/2017 where CS16 was relevant and the Mineral Planning Authority made a consultation response. Of these six have been granted, three refused, one withdrawn and the rest were not determined by July 2017. There was not a sustained mineral objection to the six applications that were granted.

## 5. Policy Conclusions

**The key findings from the Monitoring Report for 2016/17 are:**

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

During the 2016/17 reporting period a six-week representations period took place on the Pre-Submission version of the Single Issue Silica Sand Review of the Minerals Site Specific Allocations DPD. A six week representations period also took place on the 'Pre-Submission Addendum: Modifications' to the Single Issue Silica Sand Review. Both of these representations periods are the Regulation 19 stage of local plan preparation. The Silica Sand Review was submitted to the Planning Inspectorate in December 2016 (Regulation 22 stage) and examination hearings took place in March 2017 (Regulation 24 stage).

A revised MWDS was adopted on 24 March 2017. The revised MWDS reflects the changes to the timetable for the Silica Sand Review that occurred because of the decision to make modifications to the Pre-Submission document. This decision led to a three month delay in the submission of the Silica Sand Review.

Due to the work required on the modifications to the Pre-Submission version of the Silica Sand Review and the modifications required following the examination hearings for the Silica Sand Review, the timetable for the work on the Minerals and Waste Local Plan Review has slipped. The first public consultation stage on the Minerals and Waste Local Plan Review is now planned to take place in Spring 2018. This will have a knock-on effect on all the other stages of the Local Plan Review. A formal revision to the MWDS will therefore be necessary.

### **Policy Performance**

No planning applications were granted approved contrary to policy during 2016/17.

One appeal was determined during 2016/17. The appeal was made against the refusal of a planning application for a waste management facility. The Planning Inspector dismissed the appeal in February 2017.

No planning permissions for minerals site specific allocations or waste site specific allocations were granted in 2016/17.

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

Policy CS2 – no permissions were granted for new mineral extraction sites in 2016/17.

Policy CS5 - four permissions were granted for new waste management facilities. All are located in accordance with policy CS5.

Policy CS13 – no permissions were granted for new mineral extraction sites.

Permissions were granted for four new waste management facilities, none of them include the production of any 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 2016 to 31 March 2017. As an overview of performance achieved to date:

Levels of complaints received in 2016/2017 have reduced from the previous level, with 47 received.

Planning applications received as a result of monitoring have remained at a high level with 45 out of a total 151 applications received and 21 discharge of condition applications out of a total of 68 received. The chargeable inspection regime continues to operate successfully with inspections generating £60,542 (representing a decrease of £2,134 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 have increased to 8. Liaison meetings with other authorities are ongoing.

The remaining 2 landfill sites at Aldeby and Blackborough End have now stopped accepting non-hazardous waste, with five former sites restored satisfactorily. Surveys indicate a general compliance with agreed pre-settlement contour plans (Appendix 1).

The number of aftercare and long term management meetings relating to restoration has remained relatively constant with an increase in long term management meetings from 8 to 12 and a slight reduction in the number of aftercare meetings to 16 from 17 in the previous year.

Five Enforcement Notices, nineteen Breach of Condition Notices and eleven Planning Contravention Notices were served in 2016/2017 representing a substantial increase on the previous year. On 17 March 2016 a waste operator was sentenced to 15 months imprisonment for running an illegal waste site in North Runcton. Two cases associated with the Proceeds of Crime Act 2002 are currently ongoing from previous years.

### **6.1 Introduction**

This is the latest of the annual briefing note on progress with minerals, waste and Regulation 3 (County Council development) sites monitoring. The Minerals and Waste Core Strategy, agreed as part of the Local Development Framework 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

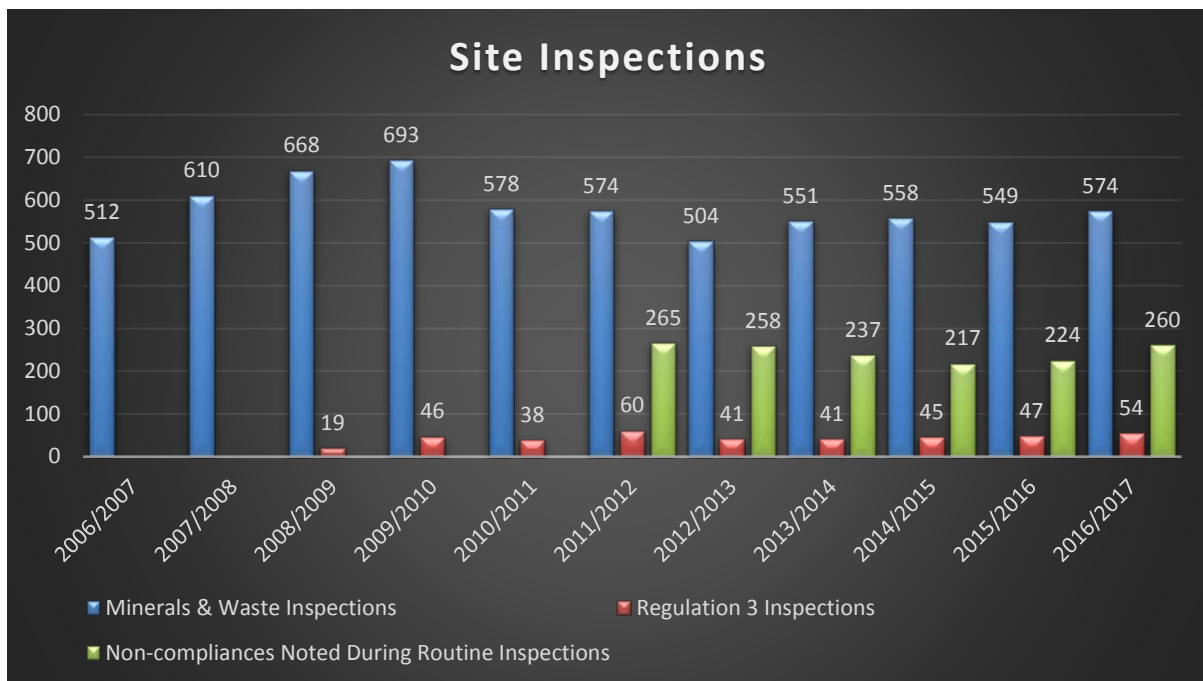
The Council continues to be pro-active in dealing with planning problems on sites. The Council is continuing with a risk based approach to the monitoring of minerals, waste and Regulation 3 development, with visits/inspections carried out over a prescribed scale. This helps to ensure a consistent, even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

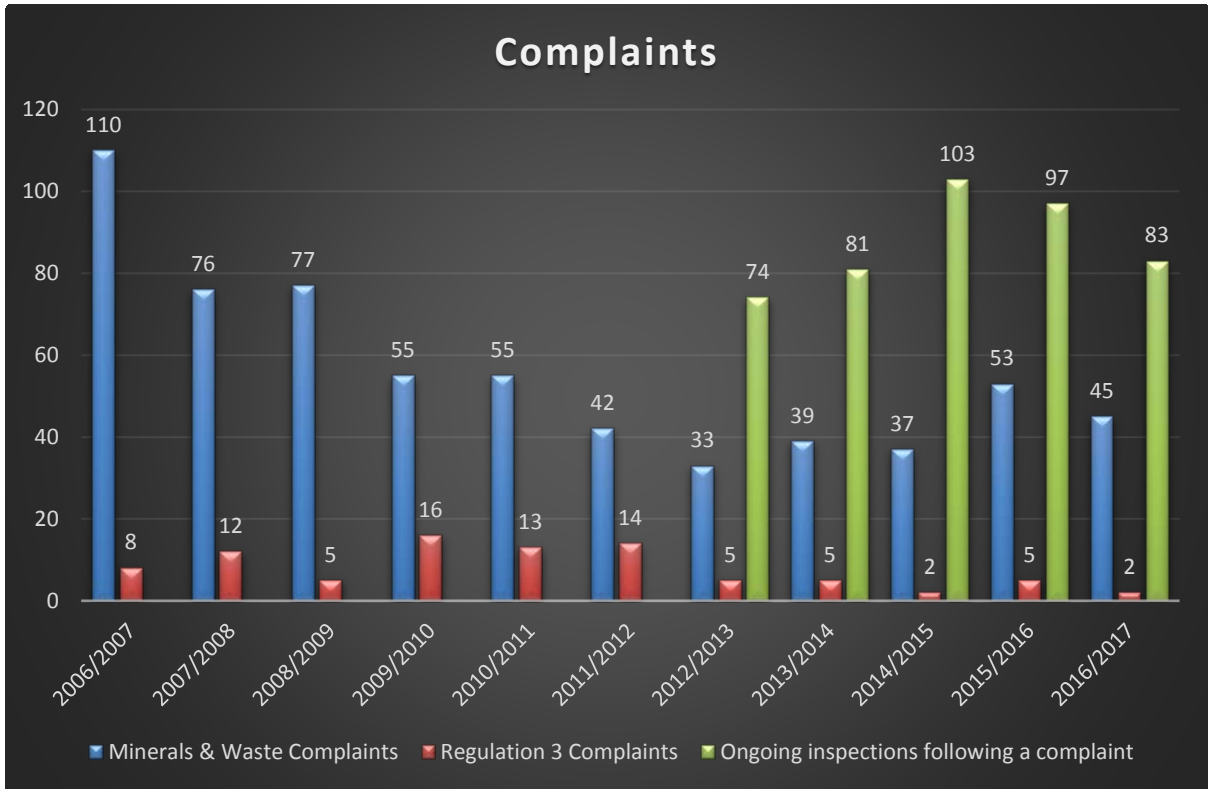
Over 628 programmed inspections were undertaken during 2016/2017 (see figure 1) and 83 inspections were undertaken as a result of ongoing complaint investigations (see figure 2).

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 £60,542 (see figure 3).

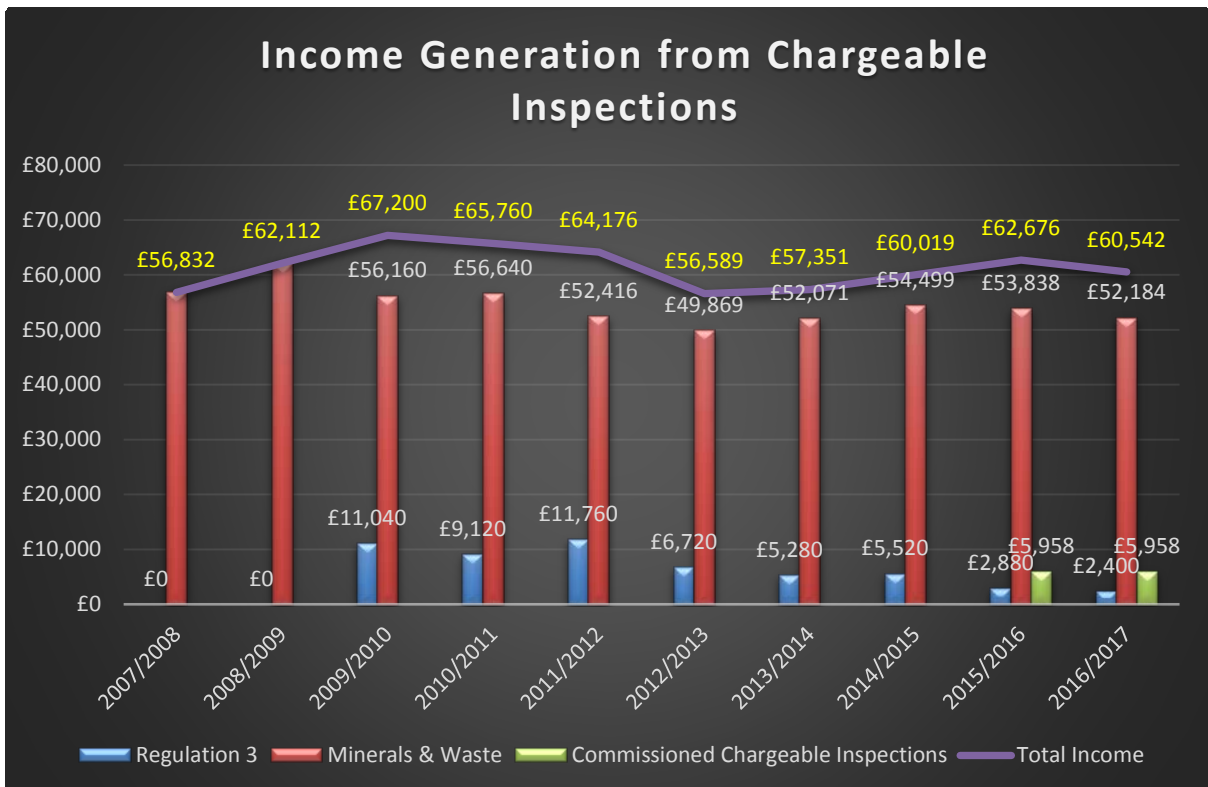
Levels of complaints received have reduced from the previous level, with 45 minerals and waste related complaints and 2 Regulation 3 complaints received. However, many of these complaints require a number of investigation actions to fully resolve matters. A number of actions also in relation to pre-existing complaints at Manor Farm, North Runcton and Cornish Way, North Walsham continue to use disproportionate staff resources when responding with an appropriate response. (see figure 2).



**Figure 1**



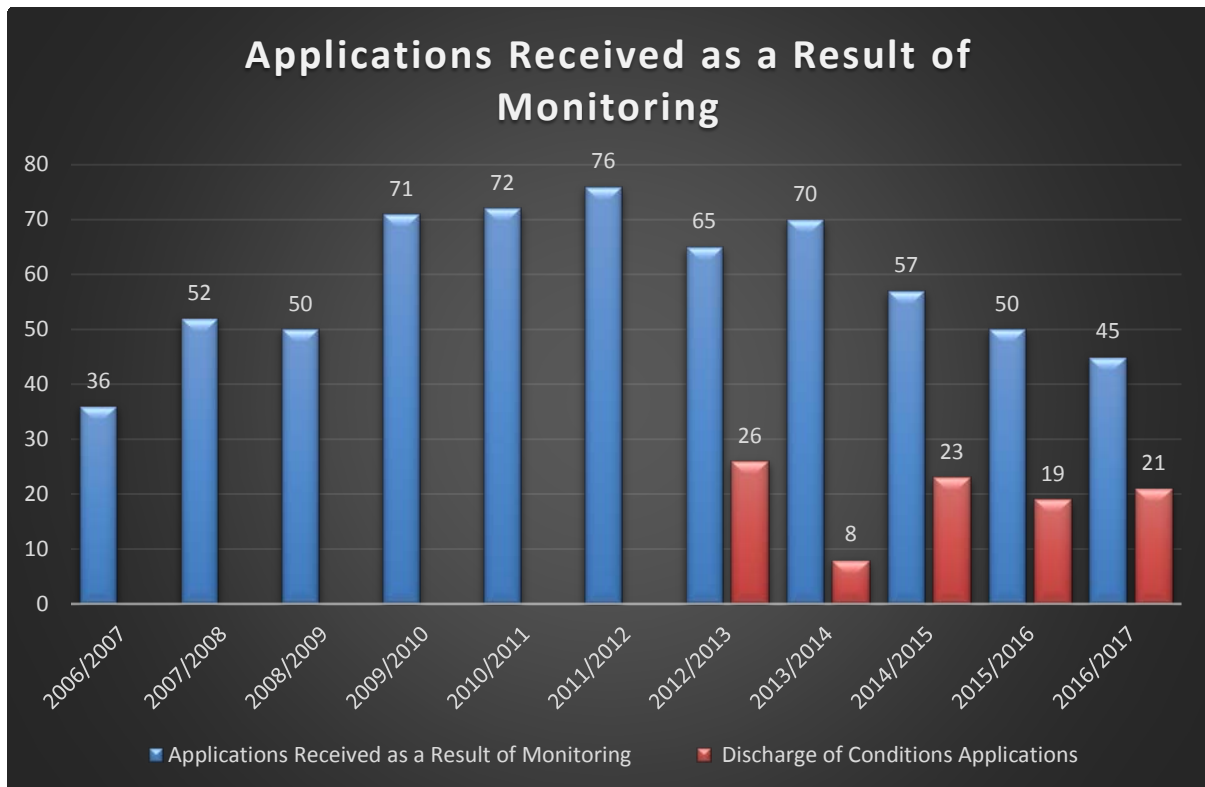
**Figure 2**



**Figure 3**

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 45 of the total 151 applications received and 21 discharge of condition applications out of a total of 68 received (see figure 4).



**Figure 4**

## 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. The information is enclosed in Appendix 1 of this report.

The NORSE Group have now completed the filling for the landfill site at Edgefield. However, they continue to operate the Materials Recycling Facility at Costessey, waste transfer stations at King’s Lynn and Caister-on-Sea, and the green waste composting facility at Marsham. 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.

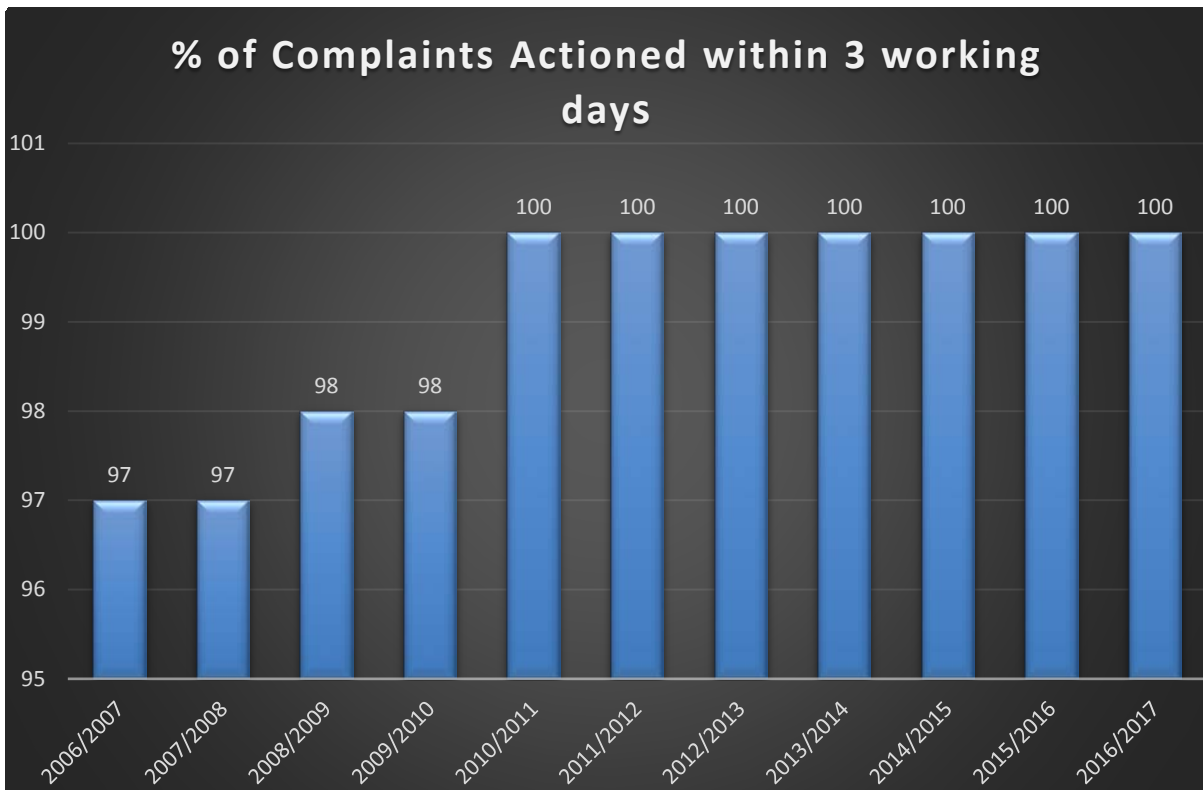
## 6.5 Targets

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 (see figure 5 below).

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).



**Figure 5**

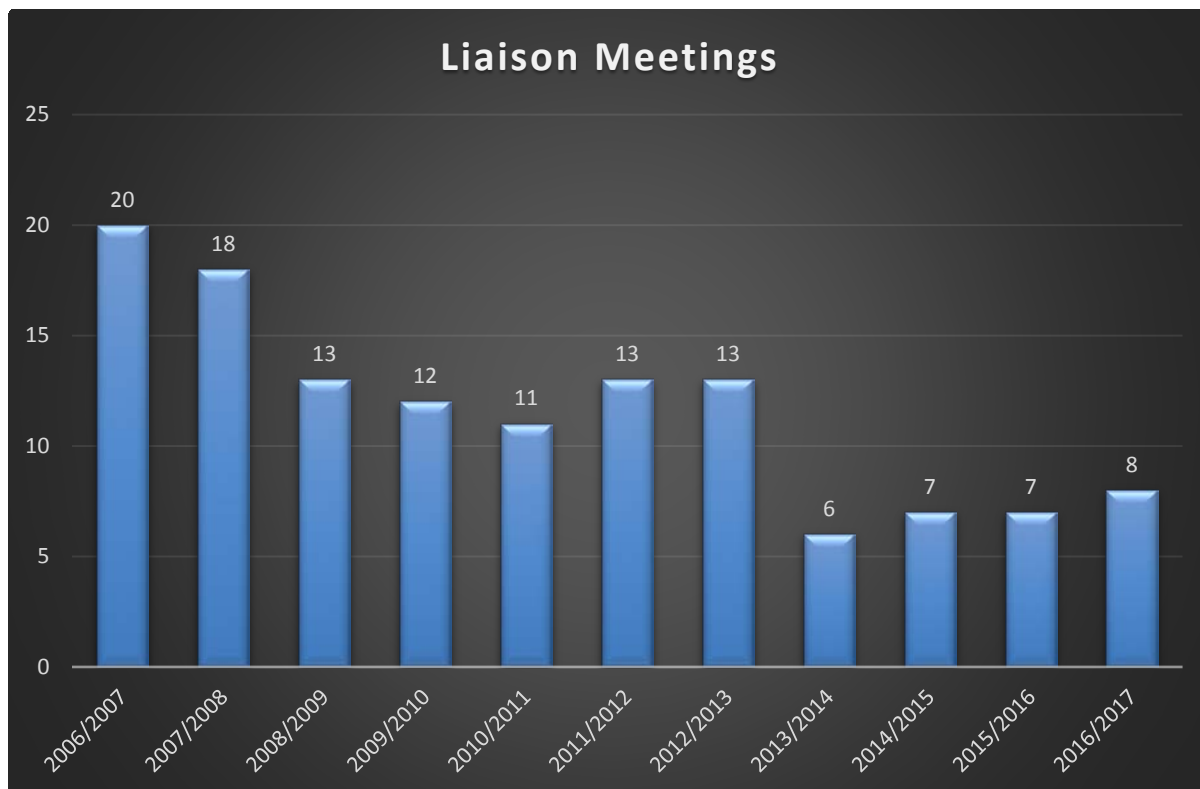
Since the inception of the new fees regime, the Council has maintained sufficient staff resources, to ensure that previous high levels of pro-active monitoring and all agreed chargeable visits are carried out. The fee income recovered to date contributes significantly to funding this resource. However, the monitoring regime seeks 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 6). These currently number 8 and include, Leziate, Coxford, Aldeby Landfill, Tottenhill, Mangreen, Stody, Kettingham and Stanninghall. The number of liaison meetings has increased despite landfilling being completed at Attlebridge and

Blackborough End. Liaison meetings on these former sites have been replaced by new sites e.g. Stanninghall Quarry. Liaison meetings are also held on a regular basis with other authorities including the Environment Agency and district councils.



**Figure 6**

## 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.

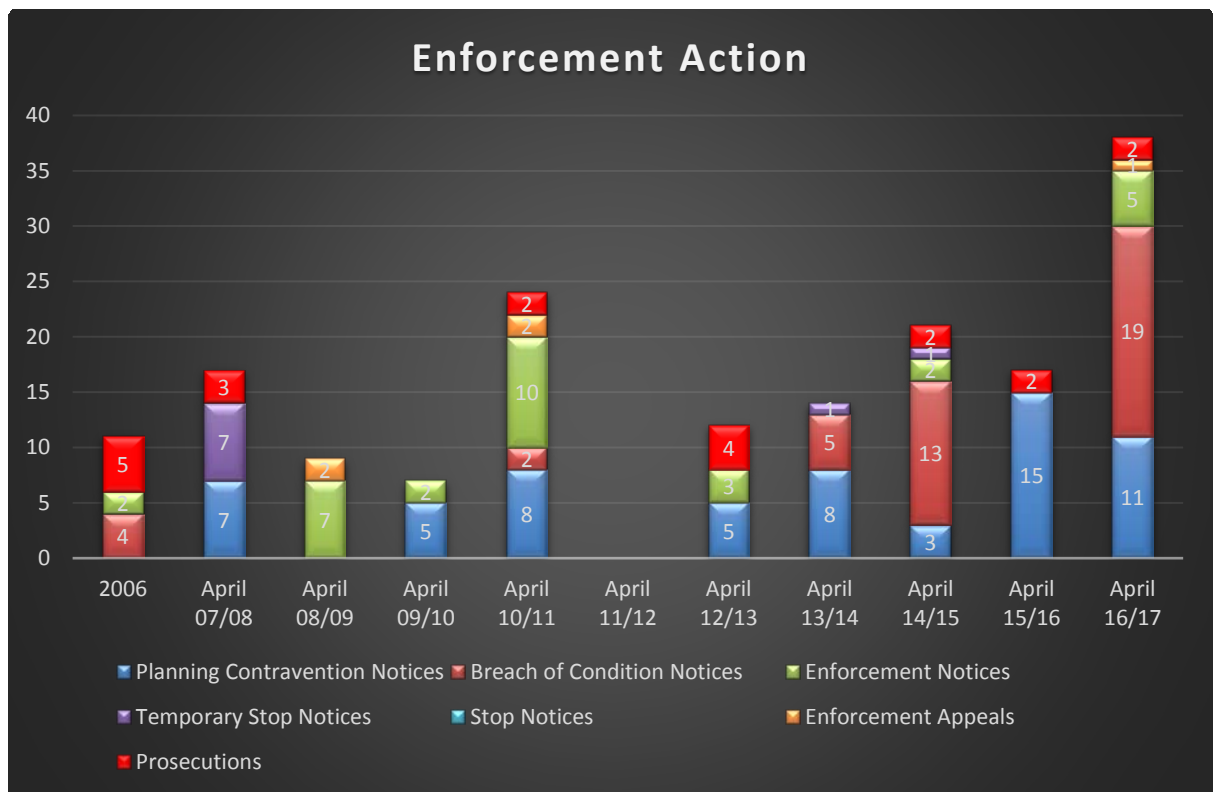
Additionally, when we receive complaints, as represented in figures 2 and 5, we often consult with the District Council and Environment Agency and co-operate with them in deciding any action. If necessary we may take enforcement action to control and possibly stop unauthorised development.

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.

Five Enforcement Notices, nineteen Breach of Condition Notices and eleven Planning Contravention Notices were served in 2016/2017. There are two ongoing prosecutions under the Proceeds of Crime Act 2002 relating to a site at Strayground Lane, Wymondham and Manor Farm, North Runcton (see figure 7).



An appeal was made against, and enforcement issued by, Norfolk County Council relating to unauthorised recycling activities on land at Besthorpe. The Planning Inspector dismissed the appeal and upheld the enforcement notice with corrections and variations.



**Figure 7**

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

Norwich Crown Court heard that he ran the illegal site for more than a year from Manor Farm in Common Lane without planning permission and without an environmental permit to deposit, store, dispose and treat waste.

In September 2010 Norfolk County Council served an enforcement notice on Mr Fuller requiring him to stop taking waste onto the land and processing the waste. The waste included construction and wood waste. The enforcement notice was issued because the unauthorised uses were in the open countryside and their scale, form and mass cause harm to the landscape and amenity.

The notice was appealed by Mr Fuller in August 2011, the court heard, but the Planning Inspector upheld the enforcement notice. Mr Fuller then lodged an unsuccessful application for permission to appeal against the Inspector's decision with the High Court which delayed the effective date of the Enforcement Notice.

Mr Mark Watson, prosecuting on behalf of Norfolk County Council and the Environment Agency, told the court that despite correspondence, discussions, meetings and site visits by Norfolk County Council and Environment Agency officers, Mr Fuller failed to respond to advice and continued to operate illegally.

In November 2012, Council and Environment Agency officers inspected the site and found there was a large stockpile of wood waste, amounting to many thousands of tonnes and between 12 and 15 metres in height. Additionally there had been thousands of tonnes of waste soil and construction and demolition waste imported and stockpiled.

This is a case that has stretched the powers of planning enforcement to the limit. The defendant refused to engage with the planning system; appeals, including High Court challenges with very little merit were designed to frustrate the enforcement procedure and have lengthened and increased the cost of this process. Three days after pleading guilty, Norfolk County Council's investigations confirmed that Mr Fuller was continuing to breach the Enforcement Notice. The Council is determined that this type of activity will not be allowed to continue in such a sensitive location.

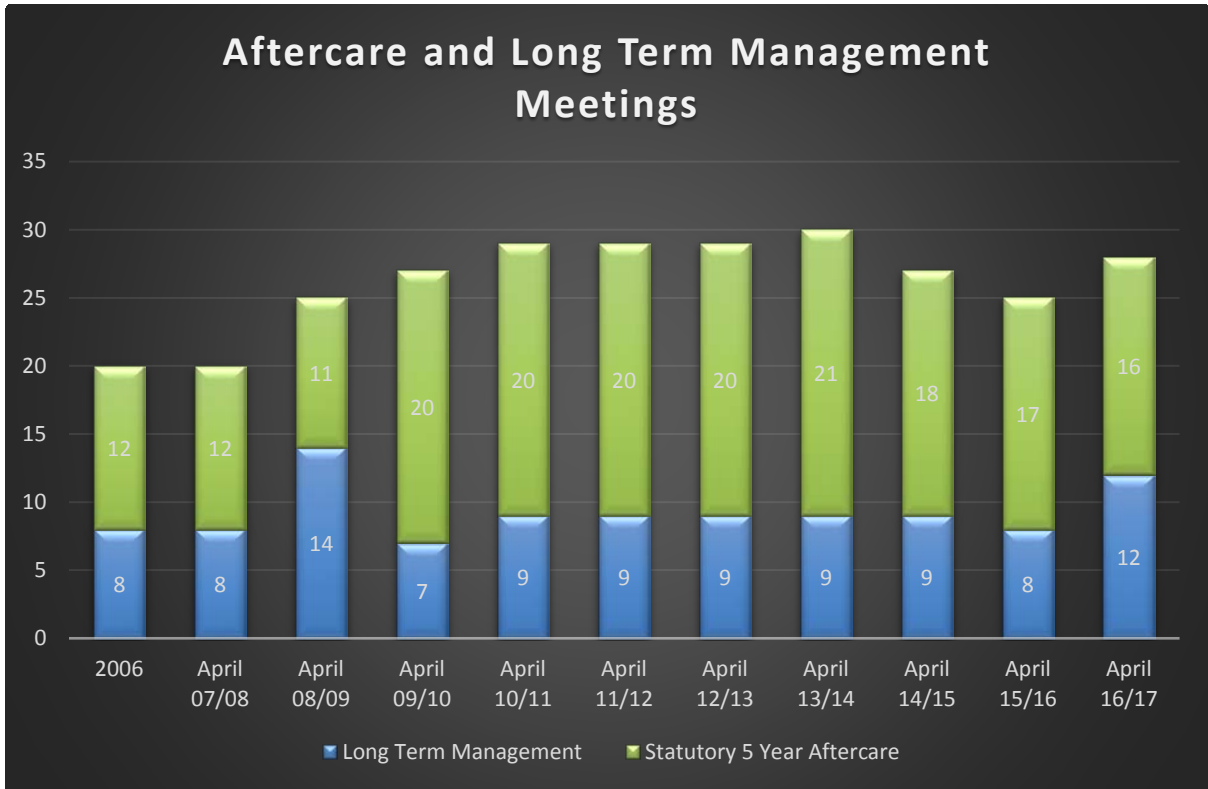
On 18 January 2017 Mr Fuller was released from prison. On 21 January 2017 the large stockpile of timber on the southern part of the site caught fire. The fire was multi-seated and the cause of the fire is being investigated by the Police, Fire and Rescue Service and the Environment Agency. As at July 2017 the fire continues to smoulder. During this period multiagency liaison took place between Norfolk Fire and Rescue Service, Police, Norfolk County Council, the Borough Council of King's Lynn and West Norfolk, Environment Agency and Public Health England. The purpose of the liaison was to address the issues raised by the fire. Monitoring was undertaken by a number of the agencies to ensure the safety of the public and address any potential health issues.

An investigation under the Proceeds of Crime Act 2002 is ongoing regarding the site at Manor Farm, North Runcton.

## **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, often required beyond the statutory 5 years becomes necessary. Sites that are subject to ongoing site management currently number 12, but we expect 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.



**Figure 8**

## **APPENDIX 1- Waste sites progress**

### **Aldeby – FCC**

A planning application was approved in October 2014 to provide for the revised newly formed site contours. Capping and restoration using imported soils are ongoing in order to complete restoration by July 2018. A local liaison group will continue to meet until the restoration works are substantially complete. A further survey would be required this year to check that the site has been filled to the agreed level.

A planning application was approved in July 2015 for the retention of the purpose built site haul road until completion of restoration in 2018.

### **Feltwell – FCC**

The site is currently moth-balled and in ‘care and maintenance’. This has necessitated the import of soils to complete the capping and restoration of phase 2. A further survey would be required this year to check that the last landfilling phase has been completed to level.

### **Blackborough End - FCC**

The currently agreed ‘domed’ restoration scheme was approved on appeal. However, surveys carried out over the last two years have indicated non-compliance with the pre-settlement plan. A planning application to revise the contours has received but is invalid. Further information has been requested. The new scheme would include a ‘valley’ feature running in an east-west direction. Landfilling progress was completed in cell 12, when it was decided to suspend any further landfilling. Capping and restoration works using imported soils are ongoing in order to complete the last phase of filling. A further survey would be required this year to check that the last landfilling phase has been completed to level.

In August 2015, planning permission was granted for a temporary waste transfer pad until December 2020.

### **Blackborough End – W M George**

A Breach of Condition Notice (BCN) to prevent the import and disposal of any further waste remains in force. Failure to comply with this notice would lead to prosecution in the magistrates’ court.

### **Attlebridge – BIFFA Waste Services Limited**

Landfilling has been completed, with previous surveys indicating compliance with the approved scheme. The site is now in various stages of the five year aftercare and management period.

### **Stoke Ferry – Pearsons and Formerly Acacia waste, north and south of the A143 respectively**

The northern site has settled over a number of years since landfilling was completed, and is less intrusive in the surrounding landscape. Grass cutting takes place on a regular basis.

The southern site has been completed and restored in 2015/16 following pressure by the County Council to see a timely resolution. The site has now entered the five year aftercare and management period.

### **Mayton Wood – Norfolk County Council Waste Management**

Landfilling has been completed, with surveys indicating compliance with the approved scheme. The site has now completed the five year aftercare and management period.

### **Edgefield - NEWS**

Landfilling has been completed with surveys indicating compliance with the approved scheme. Final seeding and planting has been completed and the site is currently in year two of the five year aftercare and management period.

Planning applications were approved to retain the existing site cabins for use associated with the site and fencing on the northern aspect. A northern perimeter road will remain for use associated with the landfill gas plant.

### **Beetley, Costessey and Docking**

Landfilling has been completed, with surveys indicating compliance with the approved scheme. These sites have now successfully completed the five year aftercare and management period. These sites still retain landfill gas infrastructure and leachate collection facilities for ongoing management and control.

The office accommodation on Costessey has been retained and will require planning permission.

### **Snetterton - Norfolk County Council Waste Management/NEWS**

Putrescible landfilling on the site has ceased. The agreed contour plan indicates that the whole site will be filled. However, due to changes in legislation this is not now achievable. Alternative methods of restoration of the site are being considered.